

Gov. Doc  
an  
tm

Canada. Capital and Corporal Punishment and  
Lotteries, Joint Committee of the Senate and  
the House of Commons on,  
FIRST SESSION—TWENTY-SECOND PARLIAMENT  
1953-54



Joint Committee of the Senate and the House of Commons

ON

# CAPITAL AND CORPORAL PUNISHMENT AND LOTTERIES

*Joint Chairmen:*—The Honourable Senator Salter A. Hayden  
and

Mr. Don F. Brown, M.P.

---

## MINUTES OF PROCEEDINGS AND EVIDENCE

No. 18

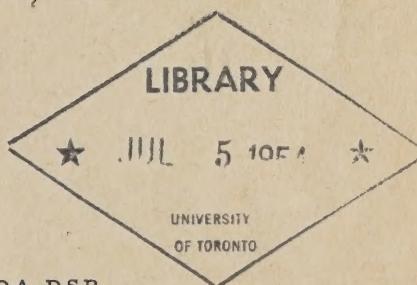
including

THIRD REPORT TO BOTH HOUSES OF PARLIAMENT

---

TUESDAY, JUNE 15, 1954

---



EDMOND CLOUTIER, C.M.G., O.A., D.S.P.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1954.

## COMMITTEE MEMBERSHIP

### *For the Senate (10)*

Hon. Walter M. Aseltine

Hon. Salter A. Hayden

*(Joint Chairman)*

Hon. Elie Beauregard

Hon. Nancy Hodges

Hon. Paul Henri Bouffard

Hon. John A. McDonald

Hon. John W. de B. Farris

Hon. Arthur W. Roebuck

Hon. Muriel McQueen Fergusson

Hon. Clarence Joseph Veniot

### *For the House of Commons (17)*

Miss Sybil Bennett

Mr. A. R. Lusby

Mr. Maurice Boisvert

Mr. R. W. Mitchell

Mr. Don. F. Brown *(Joint Chairman)*

Mr. H. J. Murphy

Mr. J. E. Brown

Mr. F. D. Shaw

Mr. A. J. P. Cameron

Mrs. Ann Shipley

Mr. Hector Dupuis

Mr. Ross Thatcher

Mr. F. T. Fairey

Mr. Phillippe Valois

Mr. E. D. Fulton

Mr. H. E. Winch

Hon. Stuart S. Garson

A. Small,  
*Clerk of the Committee.*

## CONTENTS OF THIS ISSUE

## CORRIGENDA

The Order of Reference of the House of Commons, dated Monday, February 15, 1954, appearing at the top of page 5 of Issue Number 1 of the printed Minutes and Proceedings and Evidence, should read as follows:—

*Ordered*,—That the following:

That the following Members act on behalf of this House on the Joint Committee of both Houses of Parliament as provided in the motion of the Minister of Justice on January 12, 1954, and appointed to enquire into and report upon the questions whether the criminal law of Canada relating to (a) capital punishment, (b) corporal punishment or (c) lotteries should be amended in any respect and, if so, in what manner and to what extent: Messrs. Boisvert, Brown (*Brantford*), Brown (*Essex West*), Cameron (*High Park*), Decore, Dupuis, Fairey, Fulton, Garson, Lusby, Mitchell (*London*), Montgomery, Murphy, (*Westmorland*), Shaw, Thatcher, Valois and Winch.

be substituted for the Order of Reference dated February 3, 1954, to the said Committee.

Substitute the word “formal” for the word *former* in the fifth last line of the Minutes of Proceedings and Evidence for May 27, 1954 (page 643, Issue No. 16).

## REPORT TO BOTH HOUSES

The Special Joint Committee of the Senate and the House of Commons on Capital and Corporal Punishment and Lotteries begs leave to present the following as its

### THIRD REPORT

On January 12, 1954, the House of Commons passed the following Resolution:—

That a Joint Committee of both Houses of Parliament be appointed to inquire into and report upon the questions whether the criminal law of Canada relating to (a) capital punishment, (b) corporal punishment or (c) lotteries should be amended in any respect and, if so, in what manner and to what extent;

That 17 Members of the House of Commons, to be designated at a later date, be Members of the Joint Committee on the part of this House and that Standing Order 65 of the House of Commons be suspended in relation thereto;

That the Committee have power to appoint from among its members, such subcommittees as may be deemed advisable or necessary; to call for persons, papers and records; to sit while the House is sitting and to report from time to time;

That the Committee have power to print such papers and evidence from day to day as may be ordered by the Committee for the use of the Committee and of Parliament, and that Standing Order 64 of the House of Commons be suspended in relation thereto;

And that a message be sent to the Senate requesting that House to unite with this House for the above purpose and to select, if the Senate deems advisable, some of its members to act on the proposed Joint Committee.

The following Members of the House of Commons were subsequently appointed to the Joint Committee:—

Messrs, Boisvert, Brown (*Brantford*), Brown (*Essex West*), Cameron (*High Park*), Decore, Dupuis, Fairey, Fulton, Garson, Lusby, Mitchell (*London*), Montgomery, Murphy (*Westmorland*), Shaw, Thatcher, Valois and Winch.

On February 10, 1954, the following Resolution was adopted in the Senate:—

That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both Houses of Parliament to inquire into and report upon the questions whether the criminal law of Canada relating to (a) capital punishment, (b) corporal punishment or (c) lotteries, should be amended in any respect and, if so, in what manner and to what extent;

That the following Senators be appointed on behalf of the Senate on the said Joint Committee, namely, the Honourable Senators Aseltine, Beauregard, Bouffard, Farris, Fergusson, Hayden, Hodges, McDonald, Roebuck and Veniot.

That the Committee have power to appoint, from among its members, such subcommittees as may be deemed advisable or necessary and to sit while the House is sitting.

That the Committee have power to print such papers and evidence from day to day as may be ordered by the Committee for the use of the Committee and of Parliament.

That the Committee have power to send for persons, papers and records, and to report to the Senate from time to time.

That a message be sent to the House of Commons to inform that House accordingly.

On March 2, 1954, both Houses of Parliament authorized the Committee to retain the services of counsel.

The original membership of the Committee was changed on February 15 by the substitution of Mrs. Ann Shipley, M.P., for Mr. John Decore, M.P., and on March 5 by the substitution of Miss Sybil Bennett, M.P., for Mr. G. W. Montgomery, M.P.

On February 17, the Committee established a Subcommittee on Agenda and Procedure which was authorized, upon the adoption of its First and Second Reports, to prepare and arrange a schedule of witnesses with sittings to be held twice weekly insofar as practicable.

The Committee held its first sitting on February 17 for preliminary organization, meeting thereafter at least twice weekly, except during the Easter recess of Parliament, until June 2 when the last public hearing was held. Thereafter, the Committee's proceedings were devoted to preparing its report. In all, the Committee held 30 meetings, all of which were in open session excepting parts of those meetings devoted to discussion on procedure or to preparation of its report. The subcommittee held 17 meetings relating to the agenda and procedure of the Committee.

During the course of its inquiries, the Committee adduced evidence from individuals, organizations, and governmental sources indicated in Schedule A (*Appendix E*) of the last issue (No. 18) of the Committee's printed proceedings. The Committee also had access to reports and documents, acquired or ordered for reference by the Committee, as listed in Schedule B (*Appendix E*) of the same issue of the proceedings. In addition, the Committee received over 300 miscellaneous representations in the form of letters, resolutions, and petitions from individuals and organizations all across Canada which were considered and analyzed by the subcommittee on Agenda and Procedure for possible evidence or sources of information.

The Committee wishes to express its gratitude for the valuable assistance received from witnesses, individuals, organizations and provincial governments who made oral representation or submitted written evidence to the Committee. In addition, the Committee very much appreciates the assistance received from the Department of Justice, Counsel to the Committee, and the Committees Branches of both Houses of Parliament for their contributions in facilitating the work and proceedings of the Committee.

The Committee, recognizing that it is in the national interest to have a well informed public opinion concerning the three subject matters it has been considering, desires to express its appreciation of the contribution made to this end by the extensive and fair coverage given its proceedings by the press and radio of Canada.

The Committee urges that all national organizations interested in the problems before it, formulate their views during the Parliamentary recess and prepare to make their considered opinions known to the Committee at the next Session.

The Committee finds that it will not be able to complete at the current session of this Parliament its inquiries into the matters referred to it for report and, accordingly, recommends:

1. That a corresponding Committee be established and appointed early in the next session of this Parliament to resume the studies and continue the inquiries initiated by this Committee.
2. That the government, in co-operation and consultation with the provincial governments, consider the question of the revision of existing reporting and compilation procedures relating to criminal statistics.
3. That the services of Counsel to the Committee be retained on the same basis as presently authorized until the end of the current session of Parliament for the purpose of completing certain inquiries already instituted.

A copy of the Committee's Minutes and Proceedings and Evidence is tabled herewith.

All of which is respectfully submitted.

SALTER A. HAYDEN,  
DON. F. BROWN,  
*Joint Chairmen.*

NOTE: The foregoing Report was concurred in by the House of Commons on June 16, 1954, and by the Senate on June 17, 1954. The First and Second Reports were a matter of routine only, having to do with fixing the Committee's quorum and retention of Counsel. (See printed Proceedings No. 1).



## MINUTES OF PROCEEDINGS

TUESDAY, June 15, 1954.

The Joint Committee of the Senate and the House of Commons on Capital and Corporal Punishment and Lotteries met *in camera* at 11.30 a.m. The Joint Chairman, Mr. Don. F. Brown, presided.

*Present:*

*The Senate:* The Honourable Senators Aseltine, Fergusson, and Veniot.—(3).

*The House of Commons:* Miss Bennett, Messrs. Boisvert, Brown (Brantford), Brown (Essex West), Fairey, Lusby, Shaw, Shipley (Mrs.), Thatcher, and Winch.—(10).

*In attendance:* Mr. D. G. Blair, Counsel to the Committee.

The Presiding Chairman presented for consideration the Fourth Report of the Subcommittee on Agenda and Procedure, copies of which had been distributed to members in advance. (*Text appears immediately following these Minutes.*)

On motion of Mrs. Shipley, seconded by Mr. Winch, the Fourth Report of the Subcommittee on Agenda and Procedure, as presented, was unanimously adopted.

The Presiding Chairman presented for consideration the Subcommittee's draft of the Committee's Third Report to both Houses, copies of which had been distributed to members in advance. (*Text appears immediately preceding these Minutes.*)

On motion of Mr. Winch, seconded by Mrs. Shipley, the Third Report to both Houses, as presented, was unanimously adopted for presentation to, and concurrence in, by the Senate and the House of Commons.

The Committee adjourned *sine die*.

A SMALL,  
Clerk of the Committee.

### REPORT OF SUBCOMMITTEE ON AGENDA AND PROCEDURE

Your Subcommittee on Agenda and Procedure met at 11.30 a.m. and 4.30 p.m., June 8, and 11.30 a.m., June 11, and has agreed to present the following as its

#### FOURTH REPORT

1. During the course of the Committee's proceedings, over 300 miscellaneous representations were received from various individuals and organizations. These representations have been examined for possible sources of evidence, classified and listed by subject, and summarized in report form.

Your subcommittee recommends that the foregoing be filed with the Committee's records and be available for reference by any member of this or a continuing Committee of the next session of Parliament.

2. The following books and publications have been referred to or recommended by witnesses appearing before the Committee:

- (1) Jean Grave, "Le problème de la peine de mort et sa réapparition en Suisse. A propos de la 'Motion Gysler'". *Revue de la criminologie et de police technique* (Genève) 6:3-123, Jan.-Mars, 1952.
- (2) "Le problème de la peine de mort". *Bulletin, Société intern. de Criminologie*, année 1953, pp. 11-62.
- (3) François Clerc, "A propos de la peine de mort". PP. 73-89 of a symposium entitled *L'homme face à la mort*, published by Delachaux & Niestle, 1952.
- (4) "The Nature of Gambling" by David D. Allen, published by Coward-McCann, Inc., in 1952 (Longmans, Green & Co., Toronto, hold Canadian rights).
- (5) Third Interim Report, dated May 1, 1951, of U.S. Senate Special Committee to investigate Organized Crime in Interstate Commerce (under chairmanship of Senator Kefauver), together with some of the more important books thereon dealing with the findings and conclusions.
- (6) Annals of the American Academy of Political and Social Science, published in May, 1950, containing the symposium on gambling.

Your subcommittee recommends that a copy of the foregoing be procured by the Parliamentary Library.

3. Your Joint Chairmen have communicated with the person who has officiated at most recent hangings in Canada, have determined that he would be willing to appear to give evidence in camera with no publicity, and have reported accordingly to your subcommittee.

Your subcommittee, in view of the conditions specified by the hangman, recommends that this report be filed with the Committee's records for reconsideration by the continuing committee to be recommended for reconstitution at the next session of Parliament.

4. Counsel to the committee presented statistical information and tables relating to homicides and corporal punishment prepared by the Dominion Bureau of Statistics.

Your subcommittee recommends that the homicide statistics be filed with the records of the committee but that the corporal punishment statistics be printed as an Appendix to the final edition (No. 18) of this committee's proceedings. (See Tables 1 to 8 at end of Appendix B).

5. Counsel to the committee also presented the following information:

- (1) Summary of Evidence on Capital Punishment.
- (2) Summary of Evidence on Corporal Punishment.
- (3) Summary of Evidence on Lotteries.
- (4) Analysis of Correspondence from Public.
- (5) Report on Provincial Replies to Questionnaires.
- (6) Preparation for Resumption of Committee's Work at the Next Session.

Your subcommittee recommends that (1) to (6) inclusive of the foregoing be filed with the committee's records for use by the continuing committee to be recommended for reconstitution at the next session of Parliament.

In connection with the document entitled "Preparation for Resumption of Committee's Work at the Next Session", it is necessary that counsel to the committee immediately make further inquiries and investigations as outlined therein and, accordingly, your subcommittee recommends that retention of counsel's services until the end of the current session of Parliament be authorized by both Houses.

6. Replies to the Questionnaires have been received from some of the provincial Attorneys-General and also from the Commissioner of Penitentiaries.

Your subcommittee recommends that this information be printed as an Appendix to the final edition (No. 18) of this committee's proceedings, in question and answer form in so far as practicable (*See Appendices A, B, C and D*).

7. The offprint from the Canadian Bar Review of the symposium of the Open Forum on Capital Punishment held by the Ontario Branch of the Canadian Bar Association (ordered on May 4) will not be available for the present session.

Your subcommittee recommends that the clerk of the committee be authorized to obtain copies and approve same for payment, between the current and next session of Parliament, and to file same with the committee's records for distribution to the members of the continuing committee to be recommended for reconstitution at the next session of Parliament.

8. Your subcommittee has prepared a draft Third Report to both Houses for the committee's consideration in the form attached.

Your subcommittee recommends that the said report, in the form approved by the committee, be presented by the Joint Chairmen to their respective Houses for concurrence.

All of which is respectfully submitted.

SALTER A. HAYDEN,  
DON F. BROWN,  
*Joint Chairmen.*



## APPENDIX A

## CAPITAL PUNISHMENT

PROVINCIAL ATTORNEY-GENERAL'S REPLIES TO QUESTIONNAIRE  
(Note: For replies of a general nature, see Appendix D)

## Question 1—Trial

What provision is made by the province for legal aid to an accused charged with a capital offence for the purposes of his trial?

## Answers—

B.C.—In capital cases where the accused is destitute and has not employed counsel, counsel is appointed by the Court and paid an honorarium by the Attorney-General's Department.

Alta.—If accused is indigent he is supplied with counsel and may choose own counsel, if counsel is willing to act for fees allowed. Defence counsel paid on the same basis as that set out in Order in Council covering payment to Agents of the Attorney General. In cases of murder, manslaughter or rape, tried in the Supreme Court, the fee is \$100.00 for the first day and \$75.00 for each succeeding day and these fees may be increased in the discretion of the Attorney-General. In addition the accused receives a free copy of the transcript of the evidence taken at the preliminary hearing.

Sask.—It is the practice for this department to pay counsel assigned to an accused who is without funds to conduct his defence at his trial for murder a counsel fee not exceeding \$75.00 or \$50.00 per day, including the first day, when the trial lasts more than one day, upon the trial judge assigning counsel and so recommending that such counsel fee be paid, and counsel assigned to the accused is not paid for absence from home, subsistence, railway fare or any disbursements.

In all cases in which counsel is assigned to an accused who is without funds, and in such cases only, the Crown, upon request of counsel assigned, will assume the expense for the attendance of certain witnesses for the defence upon an affidavit being submitted to this department setting out:

1. that the accused is without funds to procure the attendance of the necessary and material witnesses for the defence,
2. that the witnesses, naming them, with their addresses, are necessary and material witnesses for the defence, and
3. stating shortly what evidence each such witness can give to show that he is a necessary and material witness for the defence.

Upon such affidavit being furnished to the department setting out the necessary information covering the above mentioned points, then the matter of procuring the attendance of the necessary and material witnesses for the defence is referred to the agent of the Attorney General prosecuting the case. Such defence witnesses are not only subpoenaed by the Crown but are paid by the Crown in the same manner as Crown witnesses.

Ont.—The Law Society of Upper Canada has a scheme for legal aid to indigent prisoners. The Law Society has appointed a Director in each County and District of the Province and application is made to him by an indigent prisoner who is without Counsel. The Director contacts the County or District Law Ass'n. and Counsel is assigned to the prisoner. The Province on request of Counsel assigned, supplies him with a copy of the evidence at the preliminary hearing and authorizes the Crown Attorney to place any necessary defence witness on the Crown Witness Sheet. This does not apply to expert witnesses. If a question of insanity arises, the Province arranges to have the accused examined by two or more competent alienists and this report is handed to Defence Counsel.

**Question 2—Period Between Trial and Date Set for Execution**

*What, generally, are the conditions of confinement of the condemned prisoner during the period between the imposition of sentence of death and the day set for execution?*

**Answers—**

B.C.—Prisoner is confined in a cell apart from the remainder of the cell block and provided with a special guard. He receives normal meals, visitors, spiritual advice by permission of sheriff, and the freedom of the area in front of his cell for exercise, meals, for approximately eight hours each day.

Alta.—Held in special death cell under a twenty-four hour guard and fed by tray in cell—visited twice daily by Warden, Deputy Warden and Chief Guard.

Sask.—The condemned prisoner is held in a steel-lined death cell which is completely segregated from the main part of the cell block. He is confined to this cell unless, by authority of the sheriff, he is to be removed for a specific reason. A 24-hour daily guard is posted outside the death cell.

Ont.—The prisoner, having been brought back from court, is thoroughly searched and documented and allocated to his place of confinement. He is isolated from all other prisoners and placed under constant guard. He is accommodated in a cell usually about eight feet by eight feet, some are larger, with built-in plumbing or in some cases ablution facilities have to be provided. The cell is invariably an open-front type admitting daylight and is also supplied with artificial light. It is ventilated, dry, warm and usually opens on to a corridor. The cell is provided with a bed and bedding. A guard on duty is immediately outside the gate of the cell. In the smaller jails food is cooked in the residence of one of the jail employees and in all cases the food is served by a member of the jail staff. In larger jails, where a paid cook is employed, the prisoner's food is cooked in the institution kitchen. The prisoner is provided with means for daily ablution, such as towels, soap, comb, etc., but these articles are returned after each usage. He is shaved once or twice weekly, if he requests, by a member of the staff, during which period he is handcuffed and moved to the corridor, depending upon the facilities of the particular jail. Reading material is available and selected literature is provided, sometimes by the officials at the jail, sometimes by the spiritual adviser, or by his family. The prisoner is never left alone throughout each of the 24 hours. If it is necessary for a guard to leave for any reason, a relief must first be provided,—if only for a few minutes. All authorized visitors are conducted to the cell, but not into it. Visitors are not permitted to come within three feet of the cell. No physical contact is permitted and nothing is permitted to pass between visitor and prisoner except the spoken word. All authorized articles for the prisoner must be given to the jail governor or his representative for examination and, if acceptable, they are then handed to the prisoner by a member of the jail staff. Guards employed on this duty are selected members of the regular staff of the jail concerned.

**Question 3—Appeal**

(a) *What information is supplied to the condemned man with respect to his right of appeal?*

**Answers—**

B.C.—He is supplied with information by the gaol officials as to his right to appeal.

Alta.—All the information necessary on privilege of appeal. In addition the condemned prisoner's counsel, who acted at the trial, always gives same information in this regard.

*Sask.*—Ordinarily the condemned man's counsel will advise him relative to his right to appeal, otherwise the prison superintendent will ensure that the condemned person is informed of his right to appeal.

*Ont.*—It is presumed that Defence Counsel in each case informs the condemned man of his right to appeal. The Governors of the local gaols are in possession of Notice of Appeal forms available to the prisoner if he desires to make application for leave to appeal in writing.

**Question 3 (b)**

*What provision is made for legal aid?*

**Answers—**

*B.C.*—The accused is advised by gaol officials that he can employ counsel and, if he is destitute, counsel will be arranged for by the Attorney-General's Department.

*Alta.*—In proper cases the Attorney-General will supply counsel for an appeal and will provide appeal books—the Appellate Division may suggest to Crown that counsel be appointed and appeal books provided.

*Sask.*—It is the practice for this department to pay counsel assigned to an accused, by the Court of Appeal, who is without sufficient means to enable him to obtain aid on a criminal appeal, as provided by subsection (4) of section 1021 of the Criminal Code, in cases of murder upon the Court of Appeal recommending to the Department of the Attorney-General the payment of a counsel fee not exceeding \$75.00 and counsel so assigned to the accused is not paid for absence from home, subsistence, railway fare or any disbursements.

In all cases in which counsel has been assigned to an accused by the Court of Appeal, the department will consider instructing the court reporter who takes down the evidence at the trial to extend the evidence without charge in the same manner as in Crown appeals.

*Ont.*—Usually Defence Counsel appearing at the trial, appears for the appellant in the Court of Appeal; otherwise the Registrar of the Supreme Court assigns Counsel from a panel. Living expenses of out of town Counsel during the hearing of the appeal are usually paid by the Province. The cost of transcript of the evidence (seven copies) are paid for by the Province.

**Question 3 (c)**

*In what circumstances does the province pay all or any of the costs of appeal?*

**Answers—**

*B.C.*—In every case where the accused is destitute.

*Alta.*—Same as 3 (b).

*Sask.*—See answer to 3 (b).

*Ont.*—Answered by 3 (b).

**Question 3 (d)**

*What conditions of confinement apply during the period when the appeal is pending?*

**Answers—**

*B.C.*—Same as period between date of sentence and date of execution.

*Alta.*—There is no change in conditions of confinement during period when appeal pending.

*Sask.*—If an appeal is pending, the accused is held in a cell within the cell block and is considered to be awaiting trial.

*Ont.*—The same conditions as applied in answer to question 2.

**Question 3 (e)**

*To what extent is assistance rendered by the province to enable the accused to appeal?*

**Answers—**

B.C.—The Province pays the cost of providing appeal books, an honorarium to counsel for the accused to conduct the appeal together with any and all necessary and incidental expenses.

Alta.—Same as 3 (b).

Sask.—See answer to 3 (b).

Ont.—Answered by 3 (b).

**Question 4—Post Appeal Period**

*What assistance is given to the convicted man in preparing a submission to the Minister of Justice for commutation of his sentence?*

**Answers—**

B.C.—This is a matter for the accused's counsel to attend to.

Alta.—All assistance necessary—as a rule this matter is attended to by defence counsel.

Sask.—This is left to counsel acting for the accused insofar as this department is concerned.

Ont.—None.

**Question 5—Hanging**

(a) *What procedure is followed in the prison, in relation to the condemned man, after notification is received that there will be no interference in the execution of sentence until the time of execution?*

**Answers—**

B.C.—The religious adviser and prison medical officer are notified. No other special arrangements are made with regard to the condemned man.

Alta.—The Warden contacts the condemned man's spiritual advisor and together they notify him.

Sask.—If the execution order is upheld, the prisoner is held in a death cell under 24-hour surveillance.

Ont.—There is little change in the procedure after a condemned man has been notified that there will be no interference with the execution of the sentence, as all previous arrangements are based on the assumption that sentence will be carried out. However, there is usually a close liaison between the spiritual advisor and at least one member of the family, and the sheriff and/or the governor. While the defence counsel frequently is advised simultaneously with the sheriff or governor, the prisoner is advised by the sheriff or governor without delay. The prisoner may, or may not, ask immediately for his minister or a member of his family but almost invariably these are also notified by the sheriff or the governor, unless it has been made clear that the defence counsel has already informed them.

**Question 5 (b)**

*Having regard to section 1066 of the Criminal Code, what persons are ordinarily present at the execution of a sentence of death and in particular are any special provisions made with regard to the presence of relatives or members of the press?*

**Answers—**

B.C.—Spectators are limited to six or eight (just enough to empanel a jury) which usually include members of the Press. The matter is in the

discretion of the Sheriff and, if a relative requested a pass, the Sheriff would try and persuade him or her not to go to the execution, but if he persisted, the Sheriff would issue a pass.

*Alta.*—The Sheriff, executioner, Warden and staff, gaol physician, additional medical officer, Coroner, spiritual adviser and some members of the police. No members of the press are permitted to be present.

*Sask.*—Ordinarily the following are present at the execution: the sheriff charged with the execution, the prison superintendent, the prison surgeon, the deputy warden, one or two senior custodial officers, the condemned man's priest or minister, and members of his family who may be authorized by the sheriff. The press do not attend.

*Ont.*—Present at the execution are the official hangman, the sheriff, the governor of the jail, the jail surgeon, the prisoner's selected spiritual adviser, one or more sheriff's officers, two or three members of the jail staff. There is no record of a condemned man's family ever being present at an execution.

#### Question 5 (c)

*What provisions, if any, are made to conceal the execution from*

- (i) *any other inmates of the prison; and*
- (ii) *the general public.*

#### Answers—

*B.C.*—Executions are carried out in enclosed space within gaol building completely concealed from other inmates and public.

*Alta.*—At Lethbridge gaol the death cells and permanent scaffold are isolated from rest of prison. At Fort Saskatchewan gaol the scaffold is erected in the exercise yard screened by canvas. Plans are under way to construct enclosed permanent scaffold.

It is impossible for the general public to view any part of execution.

*Sask.*—No announcement of the time of execution is made, and it occurs usually in the early morning hours when other prisoners are asleep. The death cell and gallows are so situated as to make it unnecessary for the condemned man to pass through the cell block.

*Ont.*—Where there are built-in gallows, the wing where the execution is to take place is cleared of any prison population. Where the gallows is built-in in the jail, no difficulty is presented, but where the gallows has to be erected in the jail yard (this is still done in some instances), every effort is made to ensure that the jail yard is not under observation.

#### Question 5 (d)

*What practice is usually followed with regard to the administration of sedatives or drugs to the condemned man prior to execution? Under what circumstances are sedatives or drugs administered? What types or kinds of sedatives or drugs are administered?*

#### Answers—

*B.C.*—No drugs are administered to condemned persons except that, immediately prior to execution, sedatives are sometimes given to induce sleep.

*Alta.*—Sedative is offered and only administered if requested—morphine is the drug used.

*Sask.*—No information.

*Ont.*—The matter of sedatives is left to the jail surgeon. These are made available to the condemned man at an appropriate time prior to the execution. In some cases these are refused by the prisoner. Various drugs are used such as morphine, veronal and the barbiturates. They are usually administered hypodermically.

*N.B.—The Sheriff of the County or District is responsible for the custody and execution of a condemned prisoner.*

**Question 5 (e)**

*What disposition is ordinarily made of the body of the executed person in your province?*

**Answers—**

*B.C.*—An Order-in-Council is always obtained in this Province under Section 1071 of the Criminal Code for burial outside prison walls, as Warden claims no place available for burial inside the walls. Body is usually turned over to an undertaker and buried in cemetery unless claimed by relatives.

*Alta.*—If not claimed by relatives, burial takes place same day in the prison cemetery.

*Sask.*—In no case has burial been made within the gaol walls. The body, therefore, is either taken for burial by the family of the executed person or is disposed of otherwise by order of the Lieutenant-Governor-in-Council. Specific dispositions made are not known.

*Ont.*—The body is buried in the yard of the jail set aside for that purpose. However, in recent years where a member of the family has requested it, the body has been released for burial at some chosen spot outside. It is removed according to a pre-arranged plan by an undertaker after the inquest has been held, and usually in the very early hours of the morning and during the hours of darkness. The sheriff or his representative attends the funeral and burial services. The sheriff ensures that the casket is not opened after it leaves the jail.

**Question 5 (f)—What, in your experience, has been**

- (i) the longest,
- (ii) the shortest

*time to elapse between the time when the trap was sprung and the time when the condemned man was pronounced dead?*

**Answers—**

*B.C.*—(i) Twenty minutes.  
(ii) Twelve minutes.

*Alta.*—(i) Longest,  $16\frac{1}{2}$  minutes.  
(ii) Shortest, 4 minutes.

*Sask.*—No information. This should be obtainable from the sheriff with whom the data is filed.

*Ont.*—According to medical opinion, the condemned man is rendered instantly unconscious when his neck is broken or vertebrae fractured. However, the heart may continue to beat for some time, depending on the physical condition and age of the prisoner. (i) Longest: 22 minutes. (ii) Shortest: 3 minutes.

**Question 5 (g)**

*What procedure is followed where more than one person is sentenced to be hanged at the same time? If the executions are carried out simultaneously, what special arrangements are made for this purpose?*

**Answers—**

*B.C.*—Each person is prepared for execution and all stand on trap together and are dropped simultaneously.

*Alta.*—If for the same offence hanged back to back at the same time—no special arrangements required.

*Sask.*—We have no such experience.

*Ont.*—Where two persons are to be executed at the same time, the sentence of the court is carried out literally. Prisoners are placed back to back on the gallows and both are executed simultaneously. So far as can be found in our records, no special arrangements have been necessary as the built-in gallows used in such cases have provided sufficient space, that is to say, the size of the trap and the crossbeam.

**Question 5 (h)**

*With respect to hangings which have taken place in your province, in the period 1930-1953, or any portion or sampling of these years, can you advise what medical authorities have indicated to be the effective cause of death? If so, please tabulate, to the extent possible, the various effective causes of death and the number of deaths attributable to each cause?*

*Answers*—

*B.C.*—The Sheriff conducting the execution states that the thirty-five persons that he has seen hanged have all died from a fractured vertebrae. There have been no strangulations. There has been one decapitation.

*Alta.*—Not available.

*Sask.*—This information is filed with the sheriff and is not on our records.

*Ont.*—Fractured vertebrae or broken neck in all cases except two when strangulation was given as cause.

**Question 5 (i)**

*If statistical information in relation to question 5 (h) above, is not available, can you offer an opinion as to the number or proportion of hangings in which death results from:—*

- (i) a broken neck,
- (ii) strangulation, or
- (iii) any other cause.

*Answers*—

*B.C.*—See answer to 5 (h) above.

*Alta.*—(i) 98% of broken neck  
(ii) 2% of strangulation  
(iii) nil

*Sask.*—Any attempt to answer would be pure speculation.

*Ont.*—See 5 (h) above.

**Question 6—Place of execution.**

(a) *Where are sentences of death ordinarily executed in your province?*

*Answers*—

*B.C.*—In the main Provincial Prison at Oakalla Prison Farm.

*Alta.*—Fort Saskatchewan and Lethbridge Gaols.

*Sask.*—The Provincial Gaol for Men at Prince Albert is the place designated for executions in this province.

*Ont.*—In the County or District Jail where the offence was committed.

**Question 6 (b)**—

*In your opinion, should any special provision be made for the execution of the sentences of death in specified institutions and, if so, what, in your view, should these special provisions be?*

*Answers—*

*B.C.*—It would seem that the execution of sentences of death in a prison for men serving sentences of under two years, is somewhat inappropriate and that executions should take place in the Penitentiary.

*Alta.*—No.

*Sask.*—In our opinion, executions should be carried out in one institution in the province, whose primary function, otherwise, is that of a police lock-up. This would remove from institutions charged with rehabilitative functions a completely antithetical function and would locate it in a setting whose main operation would not be unduly influenced.

*Ont.*—No recommendation.

*Question 7—Method of Execution*

(a) *Have you any comments on the suitability of hanging as a method of executing the death sentence?*

*Answers—*

*B.C.*—The best way to answer this question would be to give the views of various officials who have had experience in this matter.

The Sheriff of New Westminster, who has been conducting the hangings in this Province for the last 25 years, states: "I know of no way that could be quicker or less painful than hanging".

Mr. Christie, who has been Warden of Oakalla Gaol since July 1952, states that hanging is not the best method and suggests drugs, gas, or life imprisonment.

The Deputy Attorney-General of the Province, who has held office since 1934, is of the opinion that the law as to capital punishment works out satisfactorily, and he can see no reason for a change and thinks that any alleviation of the law in this respect would be a retrograde step and that capital punishment is valuable as a deterrent to crime. As to any alternative method of executing the sentence of death, it is pointed out that the Commission on Capital Punishment which recently presented its report in England, went into this matter at great length, and came to the conclusion that under all the circumstances, death by hanging was the least objectionable method of capital punishment.

*Alta.*—No.

*Sask.*—Hanging, as a method of inflicting death, is primitive and subject to errors, resulting in torture. In our opinion, execution itself is indefensible. If it is to persist, however, administration of lethal doses of gas or drugs would appear to be more humane.

*Ont.*—No comment.

*Question 7 (b)—*

(b) *In your view, should any alternative method of executing the sentence of death be considered as more appropriate and suitable and, if so, what method or methods would you suggest?*

*Answers—*

*B.C.*—See answer to 7 (a).

*Alta.*—Some investigation might be made as to the most humane method of execution.

*Sask.*—See answer to 7 (a).

*Ont.*—No comment.

**Question 8—The Effects of the Execution of the Sentence of Death**

(a) In your experience, what observable effect does the execution of a sentence of death have on:

- (i) the prison officers and employees or other persons in attendance?
- (ii) the other inmates of the prison?
- (iii) the community where the sentence of death is carried out?

**Answers—**

**B.C.**—The Warden of the Gaol where executions take place, reports as follows:

- (i) Officers are picked for suitability to stand ordeal. Considered a nasty business. No volunteers. Would be avoided if men not enlisted for duty by direct order.
- (ii) Carried out at 12:01 midnight. Very little effect, if any, on other inmates of the prison.
- (iii) No effect. Not any more conscious of affair than people 100 miles away.

**Alta.—**

- (i) Not a very pleasant task, but it has to be done.
- (ii) Other inmates unable to witness execution, but for that day an air of despondency prevails.
- (iii) No noticeable effect.

**Sask.—**

- (i) Prison employees tend to react with depression and repugnance as the result of an execution. Senior officials consider change of employment seriously at such times.
- (ii) Other inmates tend to become tense and sullen towards authority during the time immediately preceding execution.
- (iii) Community feelings vary from smugness to a sense of genuine shame, and sympathy for the deceased.

**Ont.—**

- (i) There is decided strain on those directly concerned and the strain begins a day or two before the execution takes place.
- (ii) The effect has not been noticeable since executions have been carried out near midnight, for the past 15 years or so.
- (iii) Generally no noticeable reaction although there is the usual group outside who show morbid curiosity.

**Question 8 (b)—**

Have you any comments arising from the effects observed and set forth in answer to question 8 (a)?

**Answers—**

**B.C.**—The Warden of the Gaol where executions take place, reports as follows:

Hanging seems to have little, if any, effect on the course of conduct of prison officers and employees.

**Alta.**—None, other than the fact that it is an unpleasant duty.

**Sask.**—In no way does the execution appear to have an ameliorative result since it tends to evoke a bitter attitude towards the officials of justice, and sympathy for the offender. Moreover, good prison personnel are reluctant to remain at this employment if executions are likely to take place.

**Ont.**—Nil. See 8 (a).

**Question 9—Extension or Limitation of Capital Punishment**

(a) In your opinion, should capital punishment be imposed as an alternative punishment in respect of any offences which it is not now authorized in the Criminal Code and, if so, what offences.

**Answers—**

B.C.—No.

Alta.—No.

Sask.—No.

Ont.—No comment.

**Question 9(b)**

In your opinion, should the sentence of capital punishment be deleted from the Criminal Code?

**Answers—**

B.C.—No.

Alta.—No.

Sask.—Yes.

Ont.—No comment.

**Question 9(c)**

If you are of the opinion that the sentence of capital punishment should be retained, would you consider

- (i) that it should not be authorized in respect of all offences for which it is presently authorized and, if so, in respect of which offences would you consider it should be deleted?
- (ii) that, in respect of the offence of murder, provision should be made for an alternative punishment of life or any lesser term of imprisonment?

**Answers—**

B.C.—

- (i) Capital Punishment should be retained for all offences for which it is presently authorized, except rape.

- (ii) No.

Alta.—No comment.

Sask.—See answer to 9(a).

Ont.—No comment.

**Question 9(d)**

If you consider that an alternative should be provided for the sentence of capital punishment, would you consider that the discretion as to sentence should be placed on the judge or the jury or that any other special provision should be made as to the exercise of this discretion?

**Answers—**

B.C.—Not applicable.

Alta.—No comment.

Sask.—The discretion should be left with the jury after having heard expert testimony relevant to the nature of offender's present condition and what treatment, if any, may be appropriate.

Ont.—No comment.

**Question 10—Definition of Murder.**

(a) Should you consider that capital punishment should be retained as a sentence for a conviction of murder, would you favour any modification of the present definition of murder, whether by specifying degrees of murder or by redefining the responsibility of accessories and accomplices or in any other manner?

**Answers—**

B.C.—No.

Alta.—No.

Sask.—See answers to 9(a) and 9(d).

Ont.—No comment.

**Question 10(b)**

Should you consider the redefinition of the offence of murder as desirable, have you any views as to the differentiation which might be made in the sentences provided for different degrees of murder and different participants in the offence of murder?

**Answers—**

B.C.—Not applicable.

Alta.—No.

Sask.—See answers to 9(a) and 9(d).

Ont.—No comment.

**Question 10(c)**

Should any special provisions be made for the sentencing of persons charged in respect of what are called

(i) mercy killings?

(ii) suicide pacts?

**Answers—**

B.C.—No. Leave to discretion of the authorities and the verdict of the jury.

Alta.—No.

Sask.—See answers to 9(a) and 9(d).

Ont.—No comment.

**Question 10(d)**

In addition to the other matters raised in this paragraph, have you any comments to make on what is sometimes called "constructive murder" and any suggestions to offer as to the redefinition of the crime of murder and the punishment therefor relating to this matter?

**Answers—**

B.C.—No comment.

Alta.—No comment.

Sask.—See answers to 9(a) and 9(d).

Ont.—No comment.

**Question 11—Young Persons and Females.**

(a) In your opinion, should the death sentence be imposed upon young offenders?

**Answers—**

B.C.—Yes, subject to answer to 11 (b).

Alta.—No.

*Sask.*—Further to the reply to 9 (a) it might be observed that if special concessions are considered excusing young or female offenders from the death penalty, the whole value of the deterrence of this form of punishment is called into question. Moreover, such exemption might result in having young persons or females used to commit murder by adult males, both parties being aware of the immunity enjoyed by the actual killer.

*Ont.*—No comment.

**Question 11 (b)—**

*Would you consider that the Criminal Code should specify a minimum age for the application of the death sentence and, if so, what age would you consider appropriate?*

**Answers—**

*B.C.*—Yes. Consider that death sentence should not be imposed upon persons 14 years of age or under. The question whether the death sentence should be carried out on young persons over that age should be left for the decision of the Governor-General in Council in each case on a full review of the facts.

*Alta.*—14 years.

*Sask.*—See answer to 11 (a).

*Ont.*—No comment.

**Question 11 (c)—**

*In your opinion, is it desirable to impose capital punishment on females?*

**Answers—**

*B.C.*—Yes, subject to executive clemency.

*Alta.*—Yes.

*Sask.*—See answer to 11 (a).

*Ont.*—No comment.

**Question 11 (d)—**

*Have you any comments of a general nature on the question of the imposition of sentences of death on young persons and females?*

*B.C.*—No, except as in 11 (a) to 11 (c).

*Alta.*—No.

*Sask.*—See answer to 11 (a).

*Ont.*—No comment.

**Question 12—General—**

(a) *Do you consider that the sentence of capital punishment operates as a deterrent in connection with*

(i) *the offence of murder?*

(ii) *other offences involving violence from which death might result?*

**Answers—**

*B.C.*—Yes, as to both (i) and (ii).

*Alta.*—Yes, as to (i); no comment as to (ii).

*Sask.*—Not at all.

*Ont.*—No comment.

**Question 12 (b)—**

*Would you consider that the same deterrent effect might result from the imposition of any lesser sentence in respect of the offence of murder?*

**Answers—**

B.C.—No.

Alta.—No.

Sask.—See answer to 12 (a).

Ont.—No comment.

**Question 12 (c)—**

*Do you consider that the retention of the mandatory sentence of capital punishment for murder affects the judgment of juries in murder trials to an observable extent and in any way interferes with the proper conviction of the persons charged with murder?*

**Answers—**

B.C.—No, not if the trial is properly conducted.

Alta.—No comment.

Sask.—Statistical data concerning convictions for murder appear to uphold the belief that juries are reluctant to find a guilty verdict in view of the mandatory resulting sentence.

Ont.—No comment.

**Question 12 (d)—**

*Would you consider that either the abolition of capital punishment or the provision of alternative punishments where capital punishment is now prescribed would assist or hinder the administration of justice in your province?*

**Answers—**

B.C.—I think it would hinder the administration of justice in that the chief deterrent to murder would be removed, resulting probably in an increase in the number of murders committed.

Alta.—It would hinder the administration of justice.

Sask.—We believe the abolition of capital punishment would materially assist the administration of justice in this province.

Ont.—No comment.

**Question 13—Statistical Information—**

(a) *Please set out on the attached Table A, for each of the years 1930-1953, the number of culpable homicides, together with the number of cases in which charges were laid, categorizing such charges under the headings of murder, manslaughter, infanticide and other charges, if any.*

(b) *Please set out on the attached Table B, for each of the years 1930-1953, the number of charges of murder, together with the particulars of detentions for lunacy, acquittals, convictions for lesser offences, convictions for murder, convictions quashed on appeal, commutations and executions.*

(c) *Please supply whatever explanatory comment or material you may think desirable in connection with the statistics to be set forth in tables A and B.*

**Answers—**

B.C.—Statistics for an accurate presentation of culpable homicides in this province for the last 23 years are not readily available. Table B, however, has been completed as far as possible for the years 1930-1953, and is attached hereto.

Statistics required may be obtainable from the Dominion Bureau of Statistics at Ottawa.

*Alta.*—See Table C.

*Sask.*—Tables A and B have been completed as far as possible and are submitted herewith.

*Ont.*—This Department has no statistical information other than may be found in the Canada Year Book. See Table D.

CAPITAL PUNISHMENT TABLE A (Saskatchewan)—HOMICIDES

Year	Number of culpable homicides	Number of charges laid	Number of charges of murder	Number of charges of manslaughter	Number of charges of infanticide	Number of other charges, if any
1930.....	13	12	6	6		
1931.....	13	13	2	11		
1932.....	11	11	8	3		
1933.....	9	9	5	4		1
1934.....	13	13	6	7		
1935.....	10	10	4	5		
1936.....	10	10	7	3		
1937.....	10	10	5	5		
1938.....	11	11	6	5		
1939.....	9	9	4	5		
1940.....	12	12	7	5		
1941.....	3	3	2			
1942.....	8	8	3	5		
1943.....	7	7	5	2		
1944.....	3	3				
1945.....	8	8	5	3		
1946.....	6	6	6			
1947.....	3	3	2	1		
1948.....	3	3	3			
1949.....	7	7	3	4		
1950.....	4	4	3	1		
1951.....	3	3	1	2		
1952.....	6	6	2	3	1	
1953.....	2	2	1	1		

TABLE B—(BRITISH COLUMBIA)—CAPITAL PUNISHMENT—  
PARTICULARS OF MURDER CHARGES

Year	Charges of murder	Detained for lunacy	Acquittals on grounds other than insanity	Convictions for lesser offence of manslaughter, infanticide or concealment of birth under SS 951 (2) and 952	Convictions and sentences of death	Convictions quashed in appeal courts	Commutations	Executions
1930.....	8	3	4	.....	1	.....	.....	.....
1931.....	9	2	.....	3	4	.....	.....	.....
1932.....	10	3	5	2	.....	.....	.....	.....
1933.....	9	1	5	3	.....	.....	.....	.....
1934.....	16	3	4	6	3	.....	.....	.....
1935.....	10	1	3	3	3	.....	.....	3
1936.....	7	.....	1	5	1	.....	.....	.....
1937.....	10	.....	5	4	1	.....	.....	1
1938.....	4	.....	4	.....	.....	.....	.....	.....
1939.....	8	.....	3	4	1	1	.....	.....
1940.....	11	.....	6	.....	5	3	.....	.....
1941.....	6	.....	2	3	1	.....	.....	.....
1942.....	7	.....	3	.....	4	4	.....	.....
1943.....	15	1	3	10	1	1	.....	1
1944.....	12	1	5	3	3	.....	.....	1
1945.....	10	2	1	3	4	1	.....	3
1946.....	7	1	4	2	.....	.....	.....	.....
1947.....	15	2	4	5	4	1	.....	.....
1948.....	14	1	7	4	2	.....	.....	.....
1949.....	13	.....	6	3	4	.....	.....	2
1950.....	6	.....	1	2	3	3	.....	2
1951.....	12	.....	1	7	4	2	.....	1
1952.....	12	.....	4	5	3	.....	.....	2
1953.....	14	2	3	6	3	.....	.....	1

TABLE B—(SASKATCHEWAN)—CAPITAL PUNISHMENT  
PARTICULARS OF MURDER CHARGES

Year	Charges of murder	Detained for lunacy	Acquittals on grounds other than insanity	Convictions for lesser offence of manslaughter, infanticide or concealment of birth under SS 951 (2) and 952	Convictions and sentences of death	Convictions quashed in appeal courts	Commutations	Executions
1930.....	6	2	.....	3	1	.....	.....	1
1931.....	2	.....	.....	2	.....	.....	.....	.....
1932.....	8	3	.....	3	2	.....	.....	2
1933.....	5	1	1	.....	2	.....	1	1
1934.....	7	1	2	2	2	.....	1	1
1935.....	6	2	3	.....	1	.....	.....	1
1936.....	6	1	2	1	2	.....	.....	2
1937.....	5	1	4	.....	.....	.....	.....	.....
1938.....	3	1	1	1	.....	.....	.....	.....
1939.....	4	1	.....	1	2	.....	.....	2
1940.....	7	3	.....	2	2	.....	.....	2
1941.....	4	.....	1	2	1	.....	1	.....
1942.....	3	.....	1	1	1	.....	.....	1
1943.....	5	2	1	2	.....	.....	.....	.....
1944.....	4	.....	2	2	.....	.....	.....	.....
1945.....	5	2	.....	1	2	.....	.....	2
1946.....	7	3	3	1	.....	.....	.....	.....
1947.....	2	.....	2	.....	.....	.....	.....	.....
1948.....	4	2	1 (suicide)	.....	1	.....	.....	.....
1949.....	3	2	1	.....	.....	.....	.....	.....
1950.....	3	1	1	1	.....	.....	.....	.....
1951.....	1	.....	.....	1	.....	.....	.....	.....
1952.....	2	1	.....	1	.....	.....	.....	.....
1953.....	1	1	.....	.....	.....	.....	.....	.....

TABLE C—(ALBERTA)—CAPITAL PUNISHMENT

MURDER	Number of Charges.....	100	Number of Charges.....	211
DISPOSITION—				
Hanged.....	27		Stay of Proceedings.....	24
Committed to life imprisonment.....	2		Dismissed.....	86
Stay of Proceedings.....			REDUCED TO:	
Dismissed.....			Dangerous Driving.....	5
Reduced to Manslaughter.....			Failing to stop at scene of accident.....	1
Imprisonment.....			Imprisonment.....	60
Imprisonment.....	25		Fined.....	28
			Suspended Sentence.....	7
				100
				=====
				211

TABLE D—(ONTARIO)—CAPITAL PUNISHMENT

(NOTE:—The information in this Table was supplied on request of the Committee—See p. 262-3  
*of Proceedings No. 6, March 24, 1954*)

Years ending September 30th	Number of Convictions for Murder	Number of Persons Executed
1914	4	
1915	7	3
1916	5	3
1917	4	
1918	6	
1919	10	7
1920	3	1
1921	4	5
1922	9	3
1923	3	2
1924	9	3
1925	3	1
1926		
1927	3	2
1928	8	1
1929	8	4
1930	5	3
1931	18	3
1932	8	5
1933	8	9
1934	2	1
6 months period—Oct. 1/34—Mar. 31/35	3	3
Years ending March 31st.		
1936	5	3
1937	6	3
1938	7	5
1939	6	3
1940	4	4
1941	9	5
1942	2	2
1943	2	
1944	6	3
1945	15	4
1946	7	3
1947	7	3
1948	11	5
1949	4	3
1950	6	2
1951	5	1
1952	5	3
1953	9	3
	246	114

## APPENDIX B

### CORPORAL PUNISHMENT

#### REPLIES OF PROVINCIAL ATTORNEYS-GENERAL AND COMMISSIONER OF PENITENTIARIES TO QUESTIONNAIRE

including

SUPPLEMENTARY STATISTICAL TABLES ON CORPORAL PUNISHMENT PREPARED BY THE DOMINION BUREAU OF STATISTICS

(*Note: For replies of a general nature, see Appendix D*)

#### Part A.—Corporal Punishment Under The Criminal Code

##### Question 1.—Statistical Information

- (a) Please set out on the attached Table A, for each of the years 1930-1953, the number of persons convicted under the Criminal Code, who were sentenced to imprisonment in penal institutions other than penitentiaries and who, in addition, were sentenced to corporal punishment.
- (b) Please set out on the attached Table B, for each of the years 1930-1953, particulars of sentences of corporal punishment, execution of sentences and offenders sentenced as enumerated therein;
- (c) Please indicate the reasons why any sentences of corporal punishment were not executed.

##### Answers—

B.C.—Statistics cannot be obtained without great deal of research. May be obtainable from the Dominion Bureau of Statistics, Ottawa.

Alta.—(See Table A (Alberta) and Table B (Alberta) at end of this Questionnaire).

Sask.—There are no records available in this department to furnish the statistical information requested for Tables A and B. Suggest that this matter be taken up with the head office of the Royal Canadian Mounted Police at Ottawa.

Ont.—The Department of the Attorney-General has no statistical information other than may be found in the Canada Year Book.

For summary of statistics submitted by the Department of Reform Institutions, see Table B (Ontario) and Table D (Ontario) at end of this Questionnaire.

Com. of Pen.—Table A (Commissioner of Penitentiaries) at end of this Questionnaire shows the number of persons convicted under the Criminal Code who were sentenced to penitentiaries and in addition awarded corporal punishment from 1943 to 1953, and shows also the Section of the Code under which such sentences were awarded.

Table B (Commissioner of Penitentiaries) at end of this Questionnaire shows particulars of the corporal punishment awarded during the same years, and the reasons why it was not administered in certain cases.

**Question 2.—**

*What regulations were in force in penal institutions in your province in respect of execution of a sentence of corporal punishment?*

**Answers—**

B.C.—Instructions contained in order of commitment are carried out in all cases when health permits. Doctor always examines and is in attendance.

Alta.—Sentence of the Courts, pursuant to the Criminal Code.

Sask.—Regulations require that lashes be withheld "until such time as the result of an appeal of the sentence, if any, has been definitely ascertained." The gaol superintendent must have the gaol surgeon examine the prisoner and report to the superintendent whether such corporal punishment as is ordered will be dangerous to the prisoner's health. The gaol surgeon must be present throughout the infliction of the punishment.

Ont.—The regulations in force for the execution of corporal punishment awarded by the court are the same as those governing the application of corporal punishment for breaches of discipline within the institution and referred to in the answer to question 7 of this Questionnaire.

Com. of Pen.—The regulations covering the carrying out of a sentence of corporal punishment in the penitentiaries are as follows:—

226. If the punishment awarded is confirmed, the Warden shall proceed to have it inflicted. The Warden shall notify the Physician of the hour thereof, but no corporal punishment shall be inflicted unless and until the Physician certifies in writing that the convict is physically fit to withstand such punishment.

227. If the Physician pronounces the convict as fit, the Warden shall name the officer or officers who is or are to inflict the punishment, and shall state the number of lashes or strokes to be given.

228. The Warden shall be present at the punishment; if he be unavoidably absent, the Deputy Warden shall be present in his stead.

229. All corporal punishment within the prison shall be attended by the Physician, who shall give such orders for preventing injury to health as he may deem necessary, and it shall be the duty of the Warden to carry them into effect.

230. The Warden shall record and report the hour at which the punishment is inflicted, the nature and amount of punishment, and any orders which he or the Physician may have given on the occasion. He shall report the reason for any change in the punishment awarded.

232. The Warden shall notify the Commissioner of the infliction of lashes by Order of Court, and shall forward the notification in duplicate, one copy being marked "For the information of the Honourable the Minister of Justice".

**Question 3.**

*What persons are ordinarily present when the punishment of whipping is executed in a provincial institution in your province and what are their functions?*

**Answers—**

B.C.—Doctor, Warden and sufficient staff to obscure identity of person administering paddle.

*Alta.*—Warden, Deputy Warden, Medical Officer and other necessary guards.

*Sask.*—Present at whippings are the superintendent, the deputy warden, the gaol surgeon, and two or three custodial officers. The two senior officials are present to witness and direct the carrying out of the sentence, the surgeon is present in case medical attention is required, and more than one officer is present so that the prisoner is not able to identify the one selected to inflict the penalty.

*Ont.*—When corporal punishment is executed, the superintendent or governor, depending on whether it is a provincial reformatory, industrial farm or whether it is a county jail, is present with the medical officer and one or two of the guards.

*Com. of Pen.*—The Warden or Deputy Warden, Chief Keeper, Penitentiary Physician and such other officers as the Warden may detail, including one officer to inflict the punishment.

#### Question 4.

*At what stage of the term of imprisonment is a sentence of corporal punishment usually executed?*

#### Answers—

*B.C.*—Immediately after appeal period has expired, or sooner if sentence less than appeal period.

*Alta.*—Not until after 30 days have elapsed, which is the period allowed for entering an appeal against a conviction and if an appeal is entered, sentence of corporal punishment is not executed until after decision of Appeal Court.

*Sask.*—The punishment is executed as soon as possible after the possibility of appeal ceases to exist, unless the court has indicated that part of the punishment is to be inflicted towards the end of the sentence.

*Ont.*—The stage of the term of imprisonment at which corporal punishment is to be carried out was usually directed by the court but within the last two or three years, the courts are following the practice of simply awarding the sentence and not specifying when it should be carried out.

*Com. of Pen.*—As soon as possible after it has been determined from the Registrar of the Court of Appeal that there has been no appeal, and that no further right of appeal exists.

#### Question 5.

*What is the maximum number of strokes administered at any one session?*

#### Answers—

*B.C.*—No stated maximum. Ten strokes is the maximum observed at one time.

*Alta.*—Ten strokes if Medical Officer permits.

*Sask.*—Five strokes at any one time is ordinarily the maximum except where the court order may require a total of six or seven strokes.

*Ont.*—The maximum number of strokes administered at any one time does not exceed ten; but where a judge awards fifteen strokes, it is usually given in two lots of seven and eight, or it may be given in three lots of five.

Com. of Pen.—This depends on the Order made by the Court, in awarding the sentence—See Section 1060, Criminal Code.

**Question 6.**

*What types of instruments are used in the respective provincial institutions and what is the physical description of each such instrument?*

**Answers—**

*B.C.*—Same as used in penitentiaries. Paddle—a 3" leather strap, 3" wide  $\frac{1}{4}$ " thick with small perforations at short intervals. Lash—a series of 12 knotted strings about 3' long attached to short 2' length of broom handle (a less effective instrument than the paddle).

*Alta.*—Cat-o'-nine tails—wooden handle 19 inches long with nine leather thongs approximately 24" in length,  $\frac{1}{4}$ " wide and  $5/32$  of an inch in depth—total weight of ten ounces.

*Sask.*—The lash is used—it has a wooden handle to which are attached nine strands of heavy cord, two feet long, knotted at the end.

*Ont.*—The strap, used for the inflicting of corporal punishment, is a plain leather strap, without perforations, about 15" long, 3" wide and 3/16" in thickness. The strap is attached to a handle which measures about 7 inches. When the court awards the lash, an instrument is used consisting of a wooden handle about 15" long, from one end of which nine pieces of string about 15" long are affixed.

Com. of Pen.—The lash and the paddle or strap, as demonstrated and described to the Committee by Warden Allan on March 23, 1954 (See Proceedings No. 6).

**Question 7.**

*What is the procedure, in detail, that is followed in executing a sentence of corporal punishment in each of the provincial institutions and what explanation is there of any variation in procedure that may exist as between different institutions?*

**Answers—**

*B.C.*—Doctor checks inmate's ability to take punishment. Inmate is strapped to a table, hood is placed over head, ankles and wrists fastened and he is held by officers over shoulders and back. Pants are allowed to drop. Paddle is administered by one of a number of officers at the direction of Warden. Doctor is in attendance and checks inmate after punishment. Warden talks with inmate after punishment and also officers are warned against discussion of details. Record signed by Warden and Doctor.

Lash similarly administered except inmate is strapped to tripod in standing position rather than bent over table.

*Alta.*—Stripped to waist and back washed by Medical Officer with alcohol, and blindfolded before guard, who is to administer punishment, enters room.

*Sask.*—The inmate is placed face down on a long table after being stripped to the waist. A blanket covers his head and neck. While he is held firmly to the table an officer, indicated by the officer in charge, administers the lashes to the inmate's back.

*Ont.*—The governor or superintendent, whichever it may be, identifies the prisoner and makes sure that they have the right man by asking him his name and if he understands the sentence of the court. As soon as they have

identified the prisoner, the superintendent or governor then orders the punishment to be carried out, the prisoner having been previously medically examined and found fit to undergo the punishment. The prisoner's hands and ankles are then secured and his buttocks exposed. A kidney belt is worn as a protective measure when the strap is used. It is not necessary with the lash because the lash is applied to the shoulders. The medical officer then stands close to the prisoner, with his fingers on the prisoner's pulse. One guard executes the punishment and it is the governor's or superintendent's responsibility to ensure that only the number of strokes awarded by the court are inflicted. There is no variation of procedure among institutions.

*Com. of Pen.*—The inmate is informed of the sentence which has to be carried out, he is examined by the Penitentiary Physician to determine his fitness to undergo the punishment, and by the Psychiatrist if there are symptoms indicating mental ill-health, and if the reports received are not adverse, he is placed on the table or bench provided for the purpose, and the punishment is administered in the presence of the officers referred to answer to Question 3.

#### Question 8.

*Is the inmate medically examined immediately before a sentence of corporal punishment is executed and what is the extent of that examination?*

#### Answers—

*B.C.*—Careful examination is carried out.

*Alta.*—The procedure is that the prisoner after the 30 day period of physical and mental reaction is certified by the Medical Officer as physically fit.

*Sask.*—The medical examination previous to corporal punishment includes examination of heart, blood pressure. Other health factors are assessed in the case of a physical disability or a current condition of illness.

*Ont.*—The inmate is medically examined immediately before sentence of corporal punishment is executed and examination is a thorough one.

*Com. of Pen.*—The inmate is given a thorough physical examination by the Penitentiary Physician immediately prior to the execution of the sentence.

#### Question 9—

*Is the inmate medically examined at any time during the course of the execution of a sentence of corporal punishment and what is the extent of that examination?*

#### Answers—

*B.C.*—Careful examination is carried out.

*Alta.*—Medical Officer present and if he considers punishment stopped he does so.

*Sask.*—Periodically the surgeon takes the prisoner's pulse during the punishment.

*Ont.*—The medical officer is present throughout the execution of the sentence and is constantly watching the prisoner's physical reaction. (See also answer to Question 7).

*Com. of Pen.*—The Physician is present during the execution of the sentence and can intervene if he considers it necessary.

**Question 10—**

*Is the inmate medically examined after the execution of a sentence of corporal punishment and what is the extent of that examination?*

**Answers—**

B.C.—Yes, to the degree necessary.

Alta.—Removed to hospital ward and attended to by Medical Officer.

Sask.—After punishment, the surgeon again examines the prisoner with respect to his heart, blood pressure and the condition of the area of his back on which lashes have been imposed.

Ont.—An inmate is visually examined after the award of corporal punishment. There is no known case when medical attention or hospitalization was necessary. Once the punishment is over the man is quite fit to carry on with his work.

Com. of Pen.—He may be examined after the execution of the sentence if the Physician considers it necessary.

**Question 11—**

*Is any other medical examination given to the inmate in connection with the execution of a sentence of corporal punishment and, if so, at what time or times is the examination given and what is the nature thereof?*

B.C.—Only one examination, but if man is not fit, he is not paddled.

Alta.—None.

Sask.—None other.

Ont.—No.

Com. of Pen.—Further medical examination may be carried out if the Physician considers it necessary.

**Question 12—**

*To what extent are inmates examined by psychiatrists before a sentence of corporal punishment is executed upon them?*

**Answers—**

B.C.—Wherever psychiatric examination is indicated, it is provided.

Alta.—None.

Sask.—No psychiatric examination is made once the possibility of appeal ceases to exist.

Ont.—It must be assumed that the prisoner is not suffering from mental illness or the court would not have awarded corporal punishment. However, if the medical officer has reason to believe or is suspicious that the prisoner may be suffering from some form of mental ailment, he will call in a psychiatrist for consultation. If there is the slightest doubt, the punishment awarded by the court is not carried out and the Department of Justice is notified accordingly.

Com. of Pen.—Where the Warden or the officers who have dealt with the inmate have any reason to suspect a mental condition, an examination by a Psychiatrist may be ordered.

**Question 13—**

Where, before corporal punishment is scheduled to be inflicted, the medical opinion is to the effect that the inmate is physically incapable of enduring the punishment or the psychiatric opinion is to the effect that to inflict the punishment would serve no useful purpose, is it the practice of the Governor of the Gaol or the Attorney General of the Province to send the opinion to the Remission Service of the Department of Justice with comments on the question whether the sentence of corporal punishment should be remitted?

**Answers—**

*B.C.*—This would be done but examination is usually considered a wise move before sentence is passed in order to avoid any necessity of alteration of sentence.

*Alta.*—No.

*Sask.*—Such opinions are transmitted to the Attorney General's Department.

*Ont.*—Yes.

*Com. of Pen.*—If either the Physician or the psychiatrist recommends that the sentence of corporal punishment should not be carried out, the matter is referred to the Remission Service and execution is suspended until a reply has been received.

**Question 14—**

*In the administration of justice within the province has the Attorney General issued any instruction to Crown prosecutors that, as a matter of policy, corporal punishment should not be sought in the case of first offenders or young offenders or any other class of offenders?*

**Answers—**

*B.C.*—No, it is left to the discretion of the Court.

*Alta.*—No.

*Sask.*—No information.

*Ont.*—The Attorney-General has not issued any instructions to Crown Prosecutors with respect to the imposition of Corporal Punishment.

*Com. of Pen.*—These are matters for the opinion of the officials responsible for law enforcement within the Provinces, and do not concern the penitentiaries, whose duty it is to carry out the sentence awarded by the Court.

**Question 15—**

*Has the Attorney General, as a matter of policy, instructed Crown attorneys that they should, as a matter of policy, seek the imposition of corporal punishment in respect of any of the following offences: ss. 80, 204, 206, 276, 292, 293, 299, 300, 301, 302, 446, 447? If so, under what circumstances are Crown attorneys instructed to seek the imposition of corporal punishment?*

**Answers—**

*B.C.*—No.

*Alta.*—No.

*Sask.*—No.

*Ont.*—The Attorney-General has not issued any instructions to Crown Prosecutors with respect to the imposition of corporal punishment.

*Com. of Pen.*—Not applicable. See answer to Question 14.

**Question 16—**

*In your opinion, does the Criminal Code now authorize the imposition of corporal punishment for any offence, in respect of which you consider that corporal punishment should not be authorized?*

**Answers—**

*B.C.*—No.

*Alta.*—No.

*Sask.*—Yes.

*Ont.*—No comment.

*Com. of Pen.*—Not applicable. See answer to Question 14.

**Question 17—**

*In your opinion, are there any offences in the Criminal Code for which the imposition of corporal punishment should be authorized and, in respect of which, it is not now authorized?*

**Answers—**

*B.C.*—No.

*Alta.*—No.

*Sask.*—No.

*Ont.*—No comment.

*Com. of Pen.*—Not applicable. See answer to Question 14.

**Question 18—**

*In your opinion, is it advisable to delete corporal punishment for the offences enumerated in ss. 80, 206 and 292 of the present Criminal Code, as proposed in the revision now before the House of Commons in Bill No. 7?*

**Answers—**

*B.C.*—The question seems not to be which offences corporal punishment should be allowable in, but rather the judicious use of corporal punishment wherever it would be good treatment for the individual.

*Alta.*—Yes.

*Sask.*—In our opinion, corporal punishment should be entirely abolished as a means of judicial punishment.

*Ont.*—No comment.

*Com. of Pen.*—Not applicable. See answer to Question 14.

**Question 19—**

*Have you any comments on the use of different methods of corporal punishment, including whipping, paddling, birching or spanking and, if so, their suitability for different classes of offences and offenders?*

**Answers—**

*B.C.*—The Warden of Oakalla Prison Farm believes that the use of the paddle within the institution in some cases is a better method of treatment than a long term of imprisonment. The physical effect of paddling while short-lived is long remembered. . . .

*Alta.*—It is considered that whipping should be inflicted by a uniform method with a strap which should be of uniform size and design in the provinces. For juvenile offenders it is recommended that paddling be instituted with a uniform type of paddle.

*Sask.*—The specific instrument makes little difference, all are attended with possible dangers and appear to make no valid contribution to the protection of society.

*Ont.*—No comment.

*Com. of Pen.*—No comments.

**Question 20—**

*In your opinion, does corporal punishment operate as a deterrent to (a) the young offender, (b) the recidivist, (c) the sexual offender?*

**Answers—**

*B.C.*—There seems to be some evidence of paddling having been useful in helping young offenders to redirect their activity. No information of the effect on the sex offender or recidivist.

*Alta.*—Yes.

*Sask.*—We know of no evidence to support the view that corporal punishment in fact operates as a deterrent to any group of offenders.

*Ont.*—No comment.

*Com. of Pen.*—With respect to Questions 20 to 22 inclusive, the following statistics are submitted:—

(a) *The Young Offender.*—During the period from January 1st, 1943 to December 31st, 1953, 55 youths under the age of 20 were admitted to the penitentiaries with a sentence of corporal punishment awarded by the Courts.

First offenders .....	34
Recidivists .....	21
	—
	55

Of the 34 first offenders,

Became recidivists after having received corporal punishment .....	7
No record of further sentences.....	24
Still incarcerated .....	3
Of the 21 recidivists, subsequently convicted.....	7
No record of further sentences.....	10
Still incarcerated .....	4
	—
	55

(b) *The recidivist* (including recidivist young offenders and sex offenders).

—During the same period 193 persons were awarded corporal punishment who had previously served sentences of imprisonment. Of these:—

Subsequently convicted again after having received corporal punishment .....	59
No record of further sentences.....	56
Still incarcerated .....	78

(c) *The Sex Offender.*—During the same period 95 persons were awarded corporal punishment by the Courts in connection with a sex offence.

Of these,			
First offenders .....	76		
Recidivists .....	19		
		—	95
Of the 76 first offenders,			
No record of further sex offences after release....	60		
Subsequently convicted of further sex offence....	4		
Still incarcerated .....	12		
Of the 19 recidivists,			
No record of further sex offences after release...	6		
Subsequently convicted of further sex offence....	3		
Still incarcerated .....	10		
		—	95

*Question 21.*

*Have you any information, by way of statistics or otherwise, to indicate the effect of corporal punishment in relation to the question of recidivism?*

*Answers—*

B.C.—No.

Alta.—No.

Sask.—We have no such statistical information relevant to this province.

Ont.—We are not in possession of any statistics which would prove that corporal punishment prevents recidivism. However, experience teaches that corporal punishment has a definite deterrent effect.

Com. of Pen.—See answer to Question 20.

*Question 22.*

*In your opinion, does the infliction of corporal punishment upon a person who is convicted of an offence for which, under the present laws, corporal punishment may be imposed, operate as a deterrent to the offender in respect of the subsequent commission of similar offences? Alternatively, have you any views on the question whether the imposition of corporal punishment in such cases operates to embitter the offender against society more than would be the case if imprisonment only had been imposed?*

*Answers—*

B.C.—Think it reasonable to assume that it does. The Warden of Oakalla Prison Farm believes most prisoners would take corporal punishment with less hostility than a long sentence.

Alta.—Yes.

Sask.—Although the province has not maintained statistics on which to postulate an opinion, there is statistical evidence from other jurisdictions which leads us to believe that where the lash is imposed the likelihood of reform is reduced. Again, both statistically and logically, those subject to judicially-imposed corporal punishment tend to become embittered and confirmed in their resentment to authority.

Ont.—No comment.

Com. of Pen.—See answer to Question 20.

**Question 23.**

*In addition to the matters raised in the above questions, have you any comments on the use of corporal punishment as an aid to administration of Justice in your province?*

**Answers—**

**B.C.**—Believe that corporal punishment should be retained for crimes of violence. It is seldom imposed these days, but is useful to curb epidemics of crimes of violence which arise sometimes in some areas.

**Alta.**—No.

**Sask.**—We consider the use of corporal punishment, as a disposition of the court, to be detrimental to the administration of justice in this province. Since its use is quite irrelevant as a means of ameliorating and socializing the attitude of the offender, the last tends to be regarded as an instrument of unadulterated revenge. The offender readily rationalizes that since the *lex talionis* is accepted by the law-enforcement agencies, sanctioned by society, he too may legitimately wreak his vengeance upon society for real or alleged grievances. Thus, society and the offender become increasingly separated in understanding, each retaliating with intensifying force the effect of which is likely to be suffered innocently by citizens who become convenient subjects for the offenders' retaliation.

**Ont.**—No.

**Com. of Pen.**—This applies to Provincial Attorneys General.

**Part B.—Corporal Punishment as a Disciplinary Measure in Provincial Penal Institutions****Question 1.**

*What regulations are in force in penal institutions in your province with respect to the use of corporal punishment as a disciplinary measure?*

**Answers—**

**B.C.**—The following Gaol regulations are in force:

No punishments or deprivations of any kind shall be awarded to any prisoner except by the Warden or Chief Matron, who shall have power to order punishments or deprivations for the following offences, namely:—

- (1) Disobedience of the rules and regulations of the Gaol;
- (2) Common assault by one prisoner upon another;
- (3) Cursing or using profane language;
- (4) Indecent behaviour or language toward another prisoner, toward any officer of the Gaol, or toward a visitor;
- (5) Idleness or negligence at work;
- (6) Wilfully destroying or defacing Gaol property;
- (7) Insubordination of any sort.

In any of the foregoing offences the Warden may award any of the following punishments or deprivations in his discretion according to the seriousness of the offence:—

- (a) Solitary confinement in a dark cell, with or without bedding, on such diet as the Medical Officer pronounces sufficient;
- (b) Bread and water diet, not to exceed twenty-one meals at one time;

- (c) Shackled to cell gate during working-hours:
- (d) Flogging with the leather paddle or strap (of the same nature and description as that used in the Federal penitentiaries, as distinguished from the "lash") upon receipt of a certificate from the Medical Officer that the prisoner is physically fit to undergo corporal punishment:
- (e) Forfeiture of remission of sentence or of good conduct money:
- (f) Confinement in cell without bed or lights.

Before awarding punishment to any prisoner, the Warden or Chief Matron shall make careful inquiry into all the facts connected with the commission of any offence, and shall make an entry, signed by him or her, in the Punishment Book of the following particulars:—

- (1) The name of the prisoner:
- (2) The nature of the offence:
- (3) The name of the complainant and witnesses:
- (4) The punishment or deprivation awarded:
- (5) The Warden shall submit in writing weekly to the Inspector of Gaols for transmission to the Attorney-General, a report showing the number and name of the prisoner, together with a description of the offence, and punishment or deprivation awarded.

*Alta.*—Corporal punishment is not used as a disciplinary measure in Provincial Institutions.

*Sask.*—The regulations governing prisons in this Province state: "No corporal punishment shall be inflicted on any inmate by an officer of the Gaol unless it has been ordered by the Court passing sentence."

*Ont.*—The infliction of punishment by the lash shall only be in execution of a sentence of the court and punishment by the strap shall only be inflicted in extreme cases and for the following offences:

- (a) Assault with violence on officers.
- (b) Assault with violence on other inmates.
- (c) Continued course of bad conduct.
- (d) Escape or attempted escape.
- (e) Malicious destruction of or injury to machinery or other property.
- (f) Malingering to evade work.
- (g) Mutinous conduct.
- (h) Repeated fighting after warning.
- (i) Refusal to work after warning.
- (j) Repeated insolence to officers.
- (k) Riotous conduct in dormitories, cells, working gang or elsewhere.
- (l) Attempting to commit sodomy and other unmentionable crimes of like character.

*Other Regulations:*

- (4) No inmate shall be punished by infliction of the strap until the Medical Officer has certified that the inmate is mentally responsible for his actions, and physically fit to endure the punishment.
- (5) The Superintendent or Sergeant and the Medical Officer shall be present throughout the time the inmate is receiving such punishment.
- (6) The number of blows with the strap shall be in proportion to the offence committed and in no case shall exceed ten at any one application.

- (7) The strap is not to be used except when it is clearly necessary to achieve the reformation of the inmate and enforce proper discipline.
- (8) The strap used for such punishment shall be a plain leather strap not less than three inches in width and shall not contain perforations of any kind. It shall be applied across the bare buttocks and great care shall be exercised to prevent hurting the prisoner elsewhere.
- (9) The application of the strap shall be by an officer designated by the Superintendent.

*Com. of Pen.*—The following paragraphs of the Penitentiary Regulations deal with the award of corporal punishment as a disciplinary measure within the penitentiary:—

165. If a convict is charged with and found guilty of any offence or repeated offence for which the punishments aforementioned are deemed insufficient, or is charged with and found guilty of any offence mentioned in this Regulation, the Warden may award that the convict shall be flogged or strapped in addition to any other punishment. The offences lastly referred to are:—

1. Personal violence to a fellow convict;
2. Grossly offensive or abusive language to any officer;
3. Wilfully or wantonly breaking or otherwise destroying any penitentiary property;
4. When undergoing punishment, wilfully making a disturbance tending to interrupt the good order and discipline of the Penitentiary;
5. Any act of gross misconduct or insubordination requiring to be suppressed by extraordinary means;
6. Escaping, or attempting or plotting to escape from the Penitentiary;
7. Gross personal violence to any officer;
8. Revolt, insurrection, or mutiny, or incitement to the same;
9. Attempts to do any of the foregoing things.

225. Should the Warden consider the offence to be one which would necessitate corporal punishment, he shall cause a summary of the evidence to be taken down in writing and signed by the witnesses. If the convict should be found guilty of the offence, the Warden shall award such punishment as such offence may justify, and shall transmit the summary of evidence, and particulars of the punishment awarded, to the Commissioner for confirmation or otherwise.

231. If in any case in which a convict is found guilty of an offence against Penitentiary Regulations, and the convict has been awarded corporal punishment, which award has been duly approved by the Commissioner, it shall appear to the Warden before the infliction of the punishment, regard being had to the character, mentality, and disposition of the convict, that it is expedient to withhold all or a portion of the corporal punishment on probation of good conduct, the Warden may withhold all or any of the punishment for a period not exceeding one year, on the convict giving the Warden satisfactory assurance of future good conduct, and during such period the convict shall be subject to receive the punishment awarded. Provided that the punishment so suspended shall not be administered unless and until the convict is again reported for an offence against Penitentiary Regulations and found guilty thereof.

and the Regulations referred to in the answer to Question 2, Part A, of this Questionnaire.

**Question 2.**

*If no general regulations are in force, can you indicate the types of disciplinary offence in respect of which corporal punishment is ordinarily imposed?*

**Answers—**

*B.C.*—Answered by 1 (Part B).

*Alta.*—See answer to Question 1 (Part B).

*Sask.*—See answer to Question 1 (Part B).

*Ont.*—See answer to Question 1 (Part B).

*Com. of Pen.*—The present practice is to approve an award of Corporal punishment only when other forms of punishment have been tried and failed, or when an emergency has arisen which requires decisive action to restore good order and discipline.

It is now the practice to authorize it only in cases which involve violence, revolt or continued and prolonged defiance of authority.

**Question 3**

*Please set out in the attached Table C, for each of the years 1930-1953, the number of sentences of corporal punishment imposed for prison offences, specifying, where possible, the sentences imposed in institutions for young offenders and types of offences for which corporal punishment was imposed?*

**Answers—**

*B.C.*—Statistics not readily available.

*Alta.*—See answer to Question 1 (Part B).

*Sask.*—We have no information concerning corporal punishment inflicted for prison offences; such offences have been dealt with by other penalties.

*Ont.*—Statistics prior to 1948 are not readily available. (See Table D (Ontario) at end of this Questionnaire).

*Com. of Pen.*—Table C (Commissioner of Penitentiaries) at end of this Questionnaire gives particulars of the cases where corporal punishment has been awarded for prison offences during the period 1932-1953.

**Question 4.**

*Do the methods or procedures followed in administration of corporal punishment for prison offences differ from those employed on sentences under the Criminal Code and, if so, what are the differences?*

**Answers—**

*B.C.*—No.

*Alta.*—See answer to Question 1 (Part B).

*Sask.*—See answer to Question 3 (Part B).

*Ont.*—Yes. The same procedure is followed except that the lash is not used.

*Com. of Pen.*—The methods adopted in administering corporal punishment for prison offences are the same as those already described for sentences under the Criminal Code.

**Question 5.**

*In your opinion is it desirable to limit the imposition of corporal punishment to certain classes of disciplinary offences and, if so, what classes of offences?*

**Answers—**

B.C.—No.

Alta.—See answer to question 1 (Part B).

Sask.—Corporal punishment is not considered a desirable penalty whatsoever for any prison offence.

Ont.—Yes. See answer to question 1 (Part B).

Com. of Pen.—It is considered desirable that the imposition of corporal punishment should be limited to certain specific types of offences, as set forth in Regulation 165 (Question 1).

**Question 6.**

*Where corporal punishment is inflicted for prison offences, is regard had to the opinion of psychiatrists, medical doctors or other qualified personnel as to the effect of the sentence on the offender?*

**Answers—**

B.C.—No corporal punishment is allowed without the medical officer's signed authority. It is seldom meted out without careful discussions of the psychiatric factors with medical factors involved.

Alta.—See answer to Question 1 (Part B).

Sask.—See answer to Question 5. (Part B.).

Ont.—Yes, should he again be guilty of a serious breach of discipline.

Com. of Pen.—When the Warden proposes to recommend to the Commissioner that corporal punishment should be awarded, it is now the practice to have the psychiatrist interview the offender and submit a report.

**Question 7.**

*Have you any comments of a general nature on the employment of corporal punishment in relation to the administration of penal institutions in your province?*

**Answers—**

B.C.—Has been a useful device at this stage of development of our Gaols.

Alta.—See answer to Question 1 (Part B.).

Sask.—Resort to corporal punishment as a means of aiding the prison administration would be considered an act of desperate frustration and the admission of a lack of adequate administrative control over the institution. Where a condition of severe riot occurs which cannot be suppressed except by the use of violence, our belief is that although violence may be required to arrest the riot it can in no way be considered a cure of the underlying difficulties which still remain to be solved—by rational methods.

Ont.—A breakdown of 106 prisoners selected at random gives the following statistics which may indicate that corporal punishment has a decided deterrent effect:

106 were given corporal punishment, of these, 99 required only one application to correct them. 7 required a second application for further misconduct, and of the 99, 53 committed no further breaches warranting punishment of any kind. 38 committed minor offences but not of sufficient importance to warrant use of the strap. 8 committed more serious breaches than the 38 but not of sufficient importance to warrant strapping.

*Com. of Pen.*—While corporal punishment is now approved very sparingly in the penitentiaries, it is considered that the fact that it may be awarded is a strong deterrent to those who would otherwise be inclined to participate in mutinous and violent conduct.

NOTE: *See also Supplementary Statistical Tables 1 to 8 inclusive, prepared by Dominion Bureau of Statistics, at end of Appendix B following provincial Table.*

TABLE A—(ALBERTA)—CORPORAL PUNISHMENT

Number of Sentences of Corporal Punishment Under Sections of the Criminal Code Enumerated Below.

Year	80	204	206	276	292	293	299	300	301	302	446	447	Total
1951.....							2						2
1953.....						1							1
													3

TABLE B—(ALBERTA)—CORPORAL PUNISHMENT

Particulars of Sentences of Corporal Punishment, Types of Offender, Execution of Sentence.

Year	Number of sentences	Maximum number of strokes	Minimum number of strokes	Average sentence	Age of youngest offender	Number of offenders below 20	Number of first offenders	Number of sentences not executed
1951.....	2	5 each		9 months	20	Nil	Nil	Nil
1953.....	1	3 each		1 year		Nil	Nil	Nil

TABLE A—(COMMISSIONER OF PENITENTIARIES)—CORPORAL PUNISHMENT

Number of persons sentenced to penitentiaries, 1943-1953, who in addition were awarded Corporal Punishment under the Statutes, showing the Sections under which it was awarded.

Year	204	206	216	276	292	293	299	300	301	302	446	447	448	*O.N.D. Act, S4(1)	Total	
1943	1	3							1	2	1	9		1	18	
1944		2			2		1	1	2	1	1	8			17	
1945							4	1	1	1	2	15			23	
1946					5		3	1	2	1	37		1		54	
1947		5	1		3		2	2	1	2	14		4	1	35	
1948		4					1		8	4		27		1	45	
1949		2	3					4		20	2		1	15	10	57
1950									1				12			15
1951		2	1						2				8			15
1952		1	1						1	6	3		7	3	6	29
1953			2						1	6	1		6	1	1	18

\*Opium and Narcotic Drugs Act.

## JOINT COMMITTEE

TABLE B—(COMMISSIONER OF PENITENTIARIES)—CORPORAL PUNISHMENT  
Particulars of the Corporal punishment awarded by the Courts to those sentenced to Penitentiaries, 1943-1953.

Year	Number of Whippings	Maximum number of lashes	Minimum number of lashes	Average Sentence		Age of youngest offender	Number of offenders below 20	Number of first offenders	Number of sentences not executed	Reason why lashes not inflicted
				Years	Lashes					
1943.....	17	20	3	4.5	9.5	.....	nil	5	1	Heart condition.
1944.....	17	30	2	3.8	10.0	18	4	7	0	
1945.....	23	20	5	5.4	10.6	17	4	10	0	
1946.....	53	20	4	3.8	10.0	18	7	14	1	Poor physical condition; hernia.
1947.....	34	14	5	4.9	9.6	18	7	15	2	1. Poor physical condition; hernia. 2. Varicose veins and varicose ulcers.
1948.....	45	20	4	4.5	8.3	16	6	16	0	
1949.....	57	21	1	4.7	8.0	16	17	27	0	
1950.....	14	10	5	5.0	7.4	16	5	4	1	Mental condition; schizophrenia.
1951.....	15	20	4	7.8	9.3	.....	nil	3	0	
1952.....	29	14	2	4.3	7.7	18	3	9	0	
1953.....	17	10	2	5.3	7.5	19	2	6	1	Imbecile.

TABLE B—(ONTARIO)—CORPORAL PUNISHMENT<sup>1</sup> 1949-1953

Year	Number of Sentences including Corporal Punishment	Number of Strokes		Approximate <sup>2</sup> Average Sentence (Months)	Age of Youngest Offender (Years)	Number of Offenders below 20 Years	Number of First Offenders	Number	Sentences not Executed	
		Maximum	Minimum						Reason	
1949	28	20	4	13	16	16	14	2	Sentences varied by Supreme Court of Ontario.	
1950	15	12	5	9	18	1	4	1	Physically unfit.	
1951	27	12	5	9	16	9	7	0		
1952	20	12	5	13	18	1	4	1	Physically unfit.	
1953	9	12	5	14	17	2	5	0		

<sup>1</sup> The data shown in this table have been summarized from several tables provided by the Province of Ontario.

<sup>2</sup> The figures shown for average sentence are approximations only, and are rounded to the nearest month.

TABLE C—(COMMISSIONER OF PENITENTIARIES)—CORPORAL PUNISHMENT

CORPORAL PUNISHMENT AWARDED IN PENITENTIARIES FOR PRISON OFFENCES  
BY FISCAL YEAR FROM 1932-1933 TO AND INCLUDING 1952-53.

Fiscal Year	Number of Sentences Actually Administered	Maximum Number of Strokes Administered	Minimum Number of Strokes Administered	Number of Sentences Inflicted on Offenders Under 21	Number of Offenders Sentenced more than once
1932-1933.....	47	15	5	(?)	1
1933-1934.....	29	20	4	(?)	2
1934-1935.....	55	15	3	2	7
1935-1936.....	55	15	2	9	1
1936-1937.....	26	15	3	5	4
1937-1938.....	30	12	4	7	0
1938-1939.....	26	12	5	3	0
1939-1940.....	28	15	3	3	1
1940-1941.....	47	15	4	10	4
1941-1942.....	30	15	5	11	2
1942-1943.....	27	15	5	8	3
1943-1944.....	29	15	5	8	3
1944-1945.....	67	12	3	13	8
1945-1946.....	65	15	5	8	2
1946-1947.....	43	15	5	5	2
1947-1948.....	28	15	5	12	3
1948-1949.....	66	15	2	14	8
1949-1950.....	33	10	3	3	1
1950-1951.....	8	12	7	1	0
1951-1952.....	7	12	2	0	0
1952-1953.....	23	10	5	7	2

#### TABLE D (Ontario)

##### NUMBER OF CASES OF CORPORAL PUNISHMENT DURING FISCAL YEARS ENDING MARCH 31, 1949, 1950, 1951, 1952, 1953

###### 1948-1949

Total number of prisoners in custody during year, 43,348.

Number of prisoners who received corporal punishment for infractions of discipline, 259 (.6% of number in custody).

###### 1949-1950

Total number of prisoners in custody during year, 48,139.

Number of prisoners who received corporal punishment for infractions of discipline, 246 (.5% of number in custody).

###### 1950-1951

Total number of prisoners in custody during year, 51,517.

Number of prisoners who received corporal punishment for infractions of discipline, 200 (.4% of number in custody).

###### 1951-1952

Total number of prisoners in custody during year, 50,622.

Number of prisoners who received corporal punishment for infractions of discipline, 105 (.2% of number in custody).

###### 1952-1953

Total number of prisoners in custody during year, 51,080.

Number of prisoners who received corporal punishment for infractions of discipline, 250 (.5% of number in custody).

#### SUPPLEMENTARY STATISTICAL TABLES (No. 1 to 8) ON CORPORAL PUNISHMENT

*(Prepared by the Dominion Bureau of Statistics)*

The data included in the following tables show, for each year from 1930 to 1952, the total number of convictions under certain sections of the Criminal Code (Table 1) and, separately, the number of these convictions where there was an extra sentence of corporal punishment (Table 2). In Table 3, the number of convictions with extra sentence of corporal punishment, for each year, is expressed as a percentage of the total number of convictions. For example, in 1930 there were 45 convictions under Section 204 of the Criminal Code; of these, 6, or 13.3 per cent, were convictions with extra sentence of corporal punishment. In 1952, under the same Section, there were 29 convictions; and, of these, 1, or 3.4 per cent, was a conviction with extra sentence. In Tables 4, 5 and 6, the data of the preceding tables have been grouped into five-year intervals, thus permitting the calculation of an annual average for each of the four groups shown. Tables 7 and 8 show the number of remissions of corporal punishment by years and five-year groups respectively.

Data were requested under specified sections of the Criminal Code. For statistical purposes, certain of these sections are classified as distinct and separate categories; others are included in broad groups embracing several sections of the code. Sections 80, 204 and 300 are shown separately; the remainder are included in groups, which are indicated in the footnotes to Table 1.

No offences have been reported under Section 80 for the years shown. As pointed out in Table 1, Section 276 is included in the general category "wounding and shooting", together with Sections 273, 274 and 275. No conviction with extra sentence of corporal punishment has been recorded under this heading from 1930 to 1952. The data on the total number of convictions under this heading have, therefore, been omitted from Table 1.

TABLE 1.—TOTAL\* NUMBER OF CONVICTIONS, AS REPORTED BY THE COURTS, UNDER CERTAIN SECTIONS OF THE CRIMINAL CODE, BY YEAR, CANADA, 1930-1952

Year	Section of the Criminal Code									
	80 (1)	204	206 (2)	276 (3)	292 (4)	299 (5)	300	301 (6)	447 (7)	Total
1930.....	45	399	.....	299	16	14	99	411	.....	1,213
1931.....	39	325	.....	189	30	6	124	647	.....	1,360
1932.....	51	353	.....	255	23	13	85	420	.....	1,200
1933.....	31	378	.....	296	16	6	101	398	.....	1,226
1934.....	41	292	.....	183	24	10	92	380	.....	1,022
1935.....	51	279	.....	302	14	8	108	421	.....	1,183
1936.....	69	330	.....	248	9	12	128	350	.....	1,146
1937.....	40	323	.....	101	14	7	141	333	.....	1,009
1938.....	64	398	.....	279	27	10	108	421	.....	1,307
1939.....	59	349	.....	289	16	12	116	560	.....	1,401
1940.....	52	496	.....	278	23	17	118	517	.....	1,501
1941.....	37	486	.....	297	26	9	91	444	.....	1,390
1942.....	42	455	.....	287	25	6	83	330	.....	1,228
1943.....	42	484	.....	317	18	16	119	449	.....	1,445
1944.....	37	466	.....	305	22	8	82	479	.....	1,399
1945.....	44	436	.....	333	12	11	83	432	.....	1,378
1946.....	40	591	.....	391	38	5	84	734	.....	1,884
1947.....	49	576	.....	370	22	17	100	607	.....	1,741
1948.....	47	557	.....	348	24	12	86	682	.....	1,756
1949.....	47	500	.....	351	33	22	57	611	.....	1,621
1950.....	27	497	.....	342	36	17	65	626	.....	1,610
1951.....	44	520	.....	306	31	10	74	600	.....	1,585
1952.....	29	533	.....	295	41	11	72	624	.....	1,605

\* All convictions under the Sections specified, including those with extra sentence of corporal punishment.

(1) No offences reported under Section 80.

(2) Includes convictions under Sections 202 and 203, and, prior to 1950, those under Section 293. (See footnote 4).

(3) Section 276 is coded under the general heading "wounding and shooting", which also includes Sections 273, 274 and 275. No conviction with extra sentence of corporal punishment has been recorded under this heading from 1930 to 1952 and therefore the total number of convictions have not been shown.

(4) Includes convictions under Sections 292(a), (b) and (c), 294 and 773(d), and from 1950 to 1952 inclusive, Section 293. (See footnote 2).

(5) Includes convictions under Section 298.

(6) Includes convictions under Section 302.

(7) Includes convictions under Sections 445, 446(a), (b) and (c), 448 and 449.

TABLE 2—NUMBER OF CONVICTIONS WITH EXTRA SENTENCE OF CORPORAL PUNISHMENT, AS REPORTED BY THE COURTS, UNDER CERTAIN SECTIONS<sup>1</sup> OF THE CRIMINAL CODE, BY YEAR, CANADA, 1930-1952.

Year	Section of the Criminal Code									Total
	80 (1)	204	206 (1)	276 (1)	292 (1)	299 (1)	300	301 (1)	447 (1)	
1930.....	6	4			30	7	2	10	36	95
1931.....	11	4			26	6		11	107	165
1932.....	7	2			35	3		8	61	116
1933.....	2	6			38	4	2	4	62	118
1934.....	11	5			19	12		3	34	84
1935.....	6				16	1	1	14	33	71
1936.....	7	4			21	1	2	23	19	77
1937.....	4	6			18	3	2	10	30	73
1938.....	7	3			23	5	2	6	32	78
1939.....	6	2			7	2		7	16	40
1940.....	4	6			8	6	1	4	14	43
1941.....		1			8	3		4	7	23
1942.....		1			7	3	1	3	6	21
1943.....	1	1				1		1	3	7
1944.....	1	4			6				14	25
1945.....	2	1			8	1		2	15	29
1946.....	2	1			7	8		1	22	41
1947.....	1	4			13	1		4	23	46
1948.....	4	3			4	3	1		24	39
1949.....	1	3			9	12	1	2	35	63
1950.....		1			6	7	2	1	22	39
1951.....	3	1			8	2		7	14	35
1952.....	1	2			12	4	1	2	13	35

(1) See footnotes, Table 1.

TABLE 3—CONVICTIONS WITH EXTRA SENTENCE OF CORPORAL PUNISHMENT  
EXPRESSED AS A PERCENTAGE OF TOTAL CONVICTIONS FOR CERTAIN  
SECTIONS (1) OF THE CRIMINAL CODE, BY YEAR, CANADA, 1930-1952.

Year	Section of the Criminal Code									
	80 (1)	204	206 (1)	276 (1)	292 (1)	299 (1)	300	301 (1)	447 (1)	Total
	%	%	%	%	%	%	%	%	%	%
1930	13.3	1.0	.....	13.1	43.8	14.3	10.1	8.8	7.8	7.8
1931	28.2	1.2	.....	13.8	20.0	.....	8.9	16.5	12.1	.....
1932	13.7	0.6	.....	13.7	13.0	.....	9.4	14.5	9.7	.....
1933	6.5	1.6	.....	12.8	25.0	33.3	4.0	15.6	9.6	.....
1934	26.8	1.7	.....	10.4	50.0	.....	3.3	8.9	8.2	.....
1935	11.8	.....	.....	5.3	7.1	12.5	13.0	7.8	6.0	.....
1936	10.1	1.2	.....	8.5	11.1	16.7	18.0	5.4	6.7	.....
1937	10.0	1.9	.....	17.8	21.4	28.6	7.1	7.8	7.2	.....
1938	10.9	0.8	.....	8.2	18.5	20.0	5.6	7.6	6.0	.....
1939	10.2	0.6	.....	2.4	12.5	.....	6.0	2.9	2.9	.....
1940	7.7	1.2	.....	2.9	26.1	5.9	3.4	2.7	2.9	.....
1941	.....	0.2	.....	2.7	11.5	.....	4.4	1.6	1.7	.....
1942	.....	0.2	.....	2.4	12.0	16.7	3.6	1.8	1.7	.....
1943	2.4	0.2	.....	.....	5.5	.....	1.0	0.7	0.5	.....
1944	2.7	0.9	.....	2.0	.....	.....	.....	2.9	1.8	.....
1945	4.5	0.2	.....	2.4	8.3	.....	2.4	3.5	2.1	.....
1946	5.0	0.2	.....	1.8	31.1	.....	1.2	3.0	2.2	.....
1947	2.0	0.7	.....	3.5	4.5	.....	4.0	3.8	2.6	.....
1948	8.5	0.5	.....	1.1	12.5	8.3	.....	3.5	2.2	.....
1949	2.1	0.6	.....	2.6	36.4	4.5	3.5	5.7	3.9	.....
1950	.....	0.2	.....	1.8	19.4	11.8	1.5	3.5	2.4	.....
1951	6.8	0.2	.....	2.6	6.5	.....	9.5	2.3	2.2	.....
1952	3.4	0.4	.....	4.1	9.8	9.1	2.8	2.1	2.2	.....

(1) See footnotes, Table 1.

TABLE 4—TOTAL\* NUMBER OF CONVICTIONS UNDER CERTAIN SECTIONS (1) OF THE CRIMINAL CODE, BY FIVE-YEAR GROUPS, 1930-1949, AND SINGLE YEARS, 1950-1952, CANADA.

Section of Criminal Code	Annual average				Number in		
	1930-1934	1935-1939	1940-1944	1945-1949	1950	1951	1952
Total.....	1,204	1,209	1,392	1,676	1,610	1,585	1,605
80(1).....							
204.....	41	57	42	45	27	44	29
206 (1).....	350	335	477	537	497	520	533
276 (1).....							
292 (1).....	230	244	297	359	342	306	295
299 (1).....	22	16	23	26	36	31	41
300.....	10	10	11	14	17	10	11
301 (1).....	100	120	99	82	65	74	72
447 (1).....	451	427	443	613	626	600	624

\* All convictions under the sections specified, including those with extra sentence of corporal punishment.

(1) See footnotes, Table 1.

TABLE 5—CONVICTIONS WITH EXTRA SENTENCE OF CORPORAL PUNISHMENT UNDER CERTAIN SECTIONS (1) OF THE CRIMINAL CODE, BY FIVE-YEAR GROUPS, 1930-1949, AND SINGLE YEARS, 1950-1952, CANADA.

Section of Criminal Code	Annual average				Number in		
	1930-1934	1935-1939	1940-1944	1945-1949	1950	1951	1952
Total.....	115.6	67.8	23.8	43.6	39	35	35
80 (1).....							
204.....	7.4	6.0	1.2	2.0	.....	3	1
206 (1).....	4.2	3.0	2.6	2.4	1	1	2
276 (1).....							
292 (1).....	29.6	17.0	5.8	8.2	6	8	12
299 (1).....	6.4	2.4	2.6	5.0	7	2	4
300.....	0.8	1.4	0.4	0.4	2	.....	1
301 (1).....	7.2	12.0	2.4	1.8	1	7	2
447 (1).....	60.0	26.0	8.8	23.8	22	14	13

(1) See footnotes, Table 1.

TABLE 6—CONVICTIONS WITH CORPORAL PUNISHMENT EXPRESSED AS A PERCENTAGE OF TOTAL CONVICTIONS FOR CERTAIN SECTIONS (1) OF THE CRIMINAL CODE BY FIVE-YEAR GROUPS, 1930-1949, AND SINGLE YEARS, 1950-1952, CANADA.

Section of Criminal Code	Annual average				Number in		
	1930-1934	1935-1939	1940-1944	1945-1949	1950	1951	1952
Total.....	9.6	5.6	1.7	2.6	2.4	2.2	2.2
80 (1).....	.....	.....	.....	.....	.....	.....	.....
204.....	18.0	10.5	2.9	4.4	.....	6.8	3.4
206 (1).....	1.2	0.9	0.5	0.4	0.2	0.2	0.4
276 (1).....	.....	.....	.....	.....	.....	.....	.....
292 (1).....	12.9	7.0	2.0	2.3	1.8	2.6	4.1
299 (1).....	29.1	15.0	11.3	19.2	19.4	6.5	9.8
300.....	8.0	14.0	3.6	2.9	11.8	.....	9.1
301 (1).....	7.2	10.0	24.2	2.2	1.5	9.5	2.8
447 (1).....	13.3	6.1	2.0	3.9	3.5	2.3	2.1

(1) See footnotes, Table 1.

TABLE 7—REMISSION OF CORPORAL PUNISHMENT AWARDED UNDER CERTAIN SECTIONS(1) OF THE CRIMINAL CODE, BY YEAR, 1930-1952, CANADA

Year	Convictions under these sections (1)			Remissions of corporal punishment	
	Total	With extra sentence of corporal punishment		Number	Per cent of the number with extra sentence of corporal punishment (d as % of b)
		(a)	(b)		
1930.....	1,213	95	7.8	3	3.2
1931.....	1,360	165	12.1	7	4.2
1932.....	1,200	116	9.7	6	5.2
1933.....	1,226	118	9.6	9	7.6
1934.....	1,022	84	8.2	5	6.0
1935.....	1,183	71	6.0	2	2.8
1936.....	1,146	77	6.7	7	9.1
1937.....	1,009	73	7.2	2	2.7
1938.....	1,307	78	6.0	1	1.3
1939.....	1,401	40	2.9	5	12.5
1940.....	1,501	43	2.9	3	7.0
1941.....	1,390	23	1.7	1	4.3
1942.....	1,228	21	1.7	2	9.5
1943.....	1,445	7	0.5	.....	.....
1944.....	1,399	25	1.8	2	8.0
1945.....	1,378	29	2.1	.....	.....
1946.....	1,884	41	2.2	3	7.3
1947.....	1,741	46	2.6	1	2.2
1948.....	1,756	39	2.2	2	5.1
1949.....	1,621	63	3.9	2	3.2
1950.....	1,610	39	2.4	.....	.....
1951.....	1,585	35	2.2	1	2.9
1952.....	1,605	35	2.2	1	2.9

(1) Sections 80, 202, 203, 204, 206, 273, 274, 275, 276, 292(a), (b) and (c), 293, 294, 298, 299, 300, 301, 302, 445, 446(a), (b) and (c), 447, 448, 449 and 773(d).

TABLE 8—REMISSIONS OF CORPORAL PUNISHMENT AWARDED UNDER CERTAIN SECTIONS<sup>(1)</sup> OF THE CRIMINAL CODE BY FIVE-YEAR GROUPS, 1930-1949, AND SINGLE YEARS, 1950-1952, CANADA.

Years	Convictions under these sections <sup>(1)</sup>			Remissions of corporal punishment	
	Annual average or total number	With extra sentence of corporal punishment		Annual average or number	per cent of the annual average or number with extra sentence of corporal punishment (d as % of b)
		Annual average or number	per cent of annual average or total number of convictions (b as % of a)		
	(a)	(b)	(c)	(d)	(e)
Annual averages and percentages for:					
1930-1934.....	1,204	115.6	9.6	6.0	5.2
1935-1939.....	1,209	67.8	5.6	3.4	5.0
1940-1944.....	1,392	23.8	1.7	1.6	6.7
1945-1949.....	1,676	43.6	1.6	1.6	3.7
Number and percentages in:					
1950.....	1,610	39	2.4	.....	.....
1951.....	1,585	35	2.2	1	2.9
1952.....	1,605	35	2.2	1	2.9

(1) Sections 80, 202, 203, 204, 206, 273, 274, 275, 276, 292(a), (b) and (c), 293, 294, 298, 299, 300, 301, 302, 445, 446(a), (b) and (c), 447, 448, 449 and 773(d).

## APPENDIX C

## LOTTERIES

REPLIES OF PROVINCIAL ATTORNEYS-GENERAL TO QUESTIONNAIRE  
(Note: For replies of a general nature, see Appendix D)

## Question 1—Statistical Information

- (a) Please set out on the attached Table A, for each of the years 1930-1953, the number of persons convicted under the enumerated paragraphs of section 236 of the Criminal Code;
- (b) If the information is available, please set out on the attached Table A, in the column provided, the number of persons convicted for keeping a common gaming house under section 229 where the conviction involved offences in the nature of lotteries described in section 236;
- (c) Please set out on the attached Table B, for each of the years 1930-1953, particulars as to the disposition of charges laid under section 236 and, if the information is available, charges under section 229 involving offences in the nature of lotteries described in section 236;
- (d) Please set out on the attached Table B, if the information is available, particulars as to the number of forfeitures under section 236 (3) and the total amounts forfeited;
- (e) Please supply whatever explanatory comment or material you may think desirable in connection with the statistics to be set forth in Tables A and B.

## Answers—

B.C.—It would take too long and involve too much work on the part of the staff to compile information requested. May be obtainable from the Dominion Bureau of Statistics at Ottawa.

Alta.—None available.

Sask.—Tables A and B have been completed as far as possible and are submitted herewith.

Ont.—We have no other information than that found in the Canada Year Book.

## Question 2—Present Enforcement Policies

- (a) Has the Attorney General issued any instructions to Crown attorneys or the police with respect to the policy to be followed in the enforcement of section 236 and section 229, in so far as the latter section pertains to offences involving lotteries?

## Answers—

B.C.—No. provisions of the Criminal Code relating to lotteries and bingo games are enforced in this Province insofar as it is possible to do so.

Alta.—No.

Sask.—The public interest and community sentiment is the guiding principle in the enforcement of the lottery sections of the Criminal Code.

In Saskatchewan local autonomy is respected. Each of our eight cities has a Police Commission or Police Committee of the City Council. Many of the towns have agreements with the R.C.M. Police for the policing of their town. These agreements contain the following provision:

The ordinary police work of the Royal Canadian Mounted Police to be in accordance with the wishes and under the direction of the Mayor or the Chairman of the Police Committee of the Council of the Town.

The Non-Commissioned Officer or Constable in charge of the Royal Canadian Mounted Police detachment in the Town in carrying out this agreement shall act under the direction of the Mayor or/the Chairman of the Police Committee of the Town insofar as the enforcement of municipal bylaws and the Criminal Code within the boundaries of the municipality are concerned. . . .

The Royal Canadian Mounted Police will conduct all investigations . . . and may at any time call in the Solicitor of the Town to aid them in any such prosecutions . . . without cost to either the Provincial or Federal Governments.

Ont.—No.

Question 2 (b)—

*If so, what is the nature of such instructions?*

Answers—

B.C.—Answered in 2(a).

Alta.—No comment.

Sask.—Answered in 2(a).

Ont.—Answered by 2(a).

Question 2 (c)—

*If no specific instructions or directions have been issued, are you aware of any special practices which are followed by Crown attorneys or the police in your province in connection with the laying of charges concerning lotteries under sections 229 and 236?*

Answers—

B.C.—Answered in 2(a).

Alta.—No comment.

Sask.—Answered in 2(a).

Ont.—We are not aware of any special practices.

Question 2 (d)—

*Are any special policies or practices followed in respect of the laying of charges for lotteries conducted by religious, charitable, benevolent organizations or social clubs?*

Answers—

B.C.—Answered in 2(a).

Alta.—No comment.

Sask.—Answered in 2(a).

Ont.—Under our Police Act the responsibility for policing in Cities and Towns and some other municipalities, belongs to the municipality. It is apparent that the enforcement of the laws relating to lotteries and bingos for charitable or benevolent purposes is not uniform.

Question 2 (e)—

*Are any special policies or practices followed in respect of bingo games organized and held by religious, charitable, benevolent organizations or social clubs?*

Answers—

B.C.—Answered in 2(a).

Alta.—No comment.

Sask.—Answered in 2(a).

Ont.—Answered in 2(a).

**Question 2 (f)—**

*Are any special policies or practices followed in respect of the laying of charges in connection with the sale of sweepstake tickets and, if so, is any differentiation made between*

- (i) *sweepstakes organized within Canada;*
- (ii) *sweepstakes organized within the province;*
- (iii) *sweepstakes organized in a foreign country?*

**Answers—**

B.C.—Answered in 2(a).

Alta.—No comment.

Sask.—Answered in 2(a).

Ont.—No.

**Question 2 (g)**

*Are you in possession of any statistical information as to the number of lotteries conducted in your province in the years in question which were deemed to have fallen within the exceptions enumerated in:*

- (i) *the proviso in respect of agricultural fairs or exhibitions contained in section 236 (1);*
- (ii) *the provisions of section 236 (5);*
- (iii) *the proviso of section 226 (1) dealing with social clubs and the use of the premises of social clubs for lotteries and games sponsored by religious and charitable organizations.*

**Answers—**

B.C.—Answered in 2 (a).

Alta.—No comment.

Sask.—Answered in 2 (a).

Ont.—No.

**Question 3—Recommendations**

- (a) *In your opinion, what specific amendments should be made to the present provisions of the Criminal Code dealing with lotteries and, in particular, sections 226 (1), insofar as it relates to lotteries, and 236, in order to assist in the administration of justice in your province?*
- (b) *In connection with any proposed amendment to the present sections of the Criminal Code, would you consider that:*
  - (i) *any special provision should be made in respect of lotteries conducted by religious, charitable or benevolent organizations and, if so, what provisions would you recommend?*
  - (ii) *any special provisions should be made in respect of bingo games conducted by religious, charitable or benevolent organizations and, if so, what provision would you recommend?*
  - (iii) *any special provisions should be made in respect of the sale of sweepstake tickets by organizations organized for religious, charitable or benevolent purposes, whether in Canada or foreign countries, and, if so, what provisions would you recommend?*
  - (iv) *any additional provisions should be made in respect of lotteries conducted at or in connection with agricultural fairs and exhibitions or other types of fairs and exhibitions and, if so, what provisions would you recommend?*

- (v) any additional provisions should be made in connection with lotteries conducted by or on the premises of social clubs, specified in the proviso to s. 226 (1) and, if so, what provisions would you recommend?
- (c) Would you consider, in particular, that any provision should be made in the Criminal Code for the exemption of lotteries conducted by religious, charitable or benevolent organizations, or at or in connection with agricultural fairs or exhibitions or other types of fairs or exhibitions or by other types of organizations, when the conduct of such lotteries has been licenced by competent provincial authority and, if so, what provisions would you recommend?
- (d) Have you any views on the question whether the Criminal Code should be amended to provide for the conduct of government operated lotteries for specified purposes and, if so, what provisions would you recommend?
- (e) If you are of the opinion that under specified circumstances government operated lotteries should be permitted, to what extent would you consider it advisable to permit the conduct of lotteries by other organizations?
- (f) Have you any comments of a general nature relating to special problems arising from the enforcement of the present sections of the Criminal Code dealing with lotteries in addition to any of the matters mentioned above, have you any suggestions as to how these problems might be obviated?

*Answers—*

*B.C.*—As to suggested amendments to the law dealing with lotteries, it is suggested that the Code be amended to allow lotteries to be run under Government supervision where the proceeds are devoted to recognized charitable purposes only, provided that the expense of its operations is regulated and no person or corporation other than the charitable organization makes a profit. No charitable organization should be entitled to hold more than one lottery a year.

In this connection, mention might be made of a recent prosecution in Vancouver of a Service Club, for conducting a lottery for charitable purposes. The case was heard at the Vancouver assizes and the jury acquitted the accused, although a clear case had been made against him under the Act.

With regard to the suggestion of additional provisions in respect of lotteries conducted at or in connection with agricultural fairs and exhibitions, it is suggested that the law be amended to allow agricultural fairs or exhibitions to sell in advance off the fair grounds lottery tickets in conjunction with admission tickets to the fair.

*Alta.*—Recommendations have already been submitted by Attorney-General.

*Sask.*—The Province of Saskatchewan makes no specific recommendations for amendments.

*Ont.*—The Attorney-General does not desire to make any recommendations.

(NOTE: For recommendations of other Provinces, see Appendix D).

## LOTTERIES

TABLE A (SASKATCHEWAN)  
Convictions Under S-236 and S-229 of The Criminal Code

Year	236(1)(a)	236(1)(b)	236(1) (bb)	236(1)(c)	236(1)(d)	236(1)(e)	236(5)	229 For Offences described in 236	Total
	Sec. 236								
1930}	8							35	43
1931}									
1932....	1	(Years 1930 to 1943 Files Under Sub-Sections of Section 236 not Available.)						8	9
1933....	5							18	23
1934....	4							6	10
1935....	10							15	25
1936....	5							16	21
1937....	7							35	42
1938....	9							25	34
1939....	12							32	44
1940....	11							26	37
1941....	Nil							11	11
1942....	Nil							10	10
1943....	4							3	7
1944....	Nil	1						7	8
1945....	1							15	16
1946....		3				4		17	24
1947....		4				6		9	19
1948....		2						10	12
1949....		1		2		1		13	17
1950....						3		4	7
1951....								2	2
1952....		5			1	1		1	8
1953....		2		1				5	8

NOTE.—The above statistical information has been obtained from the Officer Commanding, R.C.M. Police, Regina. The city police such as in the City of Regina have no statistical information completed as to this.

## LOTTERIES

TABLE B (SASKATCHEWAN)

Disposition of Charges Involving Lotteries under SS.236 and 229

Year	Total number of charges	Acquittals	Convictions	Convictions quashed on appeal	Number of forfeitures under S-236(3)	Amounts forfeited under S-236(3)
1930	43		43	Not available	Not available	Not available
1931						
1932	9	1	8	"	"	"
1933	23	1	22	"	"	"
1934	10		10	"	"	"
1935	25	1	24	"	"	"
1936	21		21	"	"	"
1937	42		42	"	"	"
1938	34	1	33	"	"	"
1939	44		44	"	"	"
1940	37		37	"	"	"
1941	11	1	10	"	"	"
1942	10		10	"	"	"
1943	7		7	"	"	"
1944	8		8	Nil	5	\$176.65
1945	16	2	13	"	6	205.30
1946	24	2	22	"	9	119.46
1947	19		19	"	8	105.20
1948	12		12	"	7	444.65
1949	17		16	"	8	218.29
1950	7		7	"	5	53.61
1951	2		2	"	1	
1952	8		8	"	4	
1953	8		7	"	4	47.15

NOTE—The above statistical information has been obtained from the Officer Commanding, R.C.M. Police, Regina. The city police such as in the City of Regina have no statistical information completed as to this.

## APPENDIX D

NOTE: The following replies are of a general nature and, therefore, were not capable of being incorporated in answer form into the preceding Questionnaires on Capital and Corporal Punishment and Lotteries (Appendices A, B and C).

ATTORNEY GENERAL  
NOVA SCOTIA

HALIFAX, 5th May, 1954.

Mr. A. Small,  
Clerk of the Joint Committee on  
Capital and Corporal Punishment and Lotteries,  
Committees Branch,  
House of Commons,  
Ottawa, Canada.

Dear Sir:—

I have now discussed with the other members of Government the contents of your letter of February 26 and it is our opinion that the criminal law of Canada relating to (a) Capital punishment and (b) Corporal Punishment should not be amended in any respect and it is not my intention to make representations to your Committee on these two subject matters.

In connection with (c) lotteries, it is our feeling that the provisions of the Code regarding this subject matter should be amended to a more modified form so that lotteries may be held by persons or organizations for non-personal gain and the amount of any prize that may be offered be substantially increased to a value not exceeding \$500.00. Again, I do not wish to make any special representation to the Committee concerning this matter but I felt I must pass along my views on this point.

Set out hereunder is a list of homicides that were committed in this jurisdiction from the period January 1941 to December 1953:

Murder	Motor Manslaughter from	All other
Manslaughter	Hunting Accidents	Manslaughters and Infanticides
61	149	23
		42

If there is any further information you wish on these matters, I will be pleased to supply it if we have such information available in our records.

Yours very truly,

(Signed) M. A. PATTERSON,

M. A. Patterson,  
Attorney General.

PRINCE EDWARD ISLAND  
CHARLOTTETOWN

MAY 27, 1954.

Donald F. Brown, Esq., M.P.,  
House of Commons,  
OTTAWA, Canada.

Dear Sir,

Your communication with Senator Hayden as Joint Chairman of the Special Committee of the Senate and House of Commons on Capital and Corporal Punishment and Lotteries under date of May 19th has been received, and contents duly noted.

In our opinion, we can see no valid reason for changing the present law, either with respect to capital or corporal punishment. With regard to lotteries, the law as presently exists is substantially satisfactory, except our suggestion would be that paragraph B of subsection 6 of section 236 might be amended to allow the sale of tickets other than at a bazaar, and for purposes philanthropic, as well as charitable and religious.

Yours very truly,

W. E. Darby,  
Attorney General.

DEPARTMENT OF THE ATTORNEY GENERAL  
ST. JOHN'S, NEWFOUNDLAND

MARCH 12, 1954.

A. Small, Esq.,  
Clerk of the Joint Committee on Capital  
and Corporal Punishment and Lotteries,  
Committees Branch,  
House of Commons,  
Ottawa, Canada.

Dear Sir:

I am requested by the Honourable L. R. Curtis, Q.C., Attorney General for Newfoundland, to acknowledge receipt of your letter of February 26th.

The Attorney General has not yet decided on the question of submitting written representations or personal attendance before the Committee.

The sample of questionnaire referred to in paragraph 2 of your letter has not yet been received.

As to the number of murders committed in Newfoundland over the past twenty years, the following is a summary of the information sought.

During the past twenty years twenty-six persons have been charged with the offence of murder.

One murder trial involved two persons who were acquitted; another murder trial involved three persons who were found not guilty of murder but guilty of manslaughter. Two of them were sentenced to twenty years' imprisonment and the other to ten years' imprisonment.

Of the remaining twenty-one persons, twenty had separate trials and the other one, due to insanity was, under the law then applicable in Newfoundland, committed to the Hospital for Mental and Nervous Diseases by order of the Attorney General.

Five persons were acquitted; six were found not guilty of murder but guilty of manslaughter and two of them were sentenced to ten years' imprisonment, three to seven years' imprisonment and one (a female) to five years' imprisonment. Another (a female) was found not guilty of murder but guilty of infanticide and sentenced to one year's imprisonment.

Two other persons were found not guilty by reason of insanity and were, subsequently, transferred to the Hospital for Mental and Nervous Diseases at St. John's.

The remaining six persons were found guilty of murder and the death sentence was carried out on one of those persons. One, aged nineteen years, had his sentence commuted to life imprisonment; and the remaining four, who were all under eighteen years of age at the time of the offence, were found guilty of murder and ordered to be detained in His Majesty's Penitentiary at St. John's during His Majesty's pleasure.

These last four cases happened previous to the Criminal Code of Canada coming into effect in Newfoundland; and, as they were under eighteen years of age, the Judge was not empowered under the law then applicable, to pass sentence of death.

I trust the above information is what you require.

If we can be of any further assistance please do not hesitate to write me.

Yours truly,

H. P. CARTER,  
*Director of Public Prosecutions.*

## APPENDIX E

## SCHEDULE A

EVIDENCE TAKEN BY THE JOINT PARLIAMENTARY COMMITTEE ON  
CAPITAL AND CORPORAL PUNISHMENT AND LOTTERIES

SOURCE AND EXPLANATION	Issue No. of Printed Proceedings
A. Capital Punishment	
ATTORNEYS-GENERAL—Provincial replies (to Questionnaire published as an Appendix to Issue No. 2) .....	18
BASHER, Colonel G. Hedley, Deputy Minister of Reform Institutions, Province of Ontario—retention .....	6
BORINS, Norman, Q.C.—See “CANADIAN WELFARE COUNCIL”	
CANADIAN FRIENDS’ SERVICE COMMITTEE, Religious Society of Friends (Quakers) in Canada—abolition .....	4
CANADIAN WELFARE COUNCIL—abolition .....	10 & 14
CHIEF CONSTABLES ASSOCIATION OF CANADA—retention .....	8 & 12
CHRISTIE, Hugh, Warden of Oakalla Prison Farm, South Burnaby, B.C.—abolition .....	14
COMMON, W. B., Q.C., Director of Public Prosecutions, Ontario Attorney-General’s Department—prosecution phases in capital cases .....	2 & 7
CONOVER, Col. J. D., Sheriff, County of York, Toronto—account of personal experiences with capital cases .....	11
DAVIS, F. W.—See “CHIEF CONSTABLES ASSOCIATION OF CANADA”	
FERGUSON, The Rev. C. H.—See “UNITED CHURCH OF CANADA”	
GARDINER, Reginald—See “UNITED CHURCH OF CANADA”	
GARSON, The Hon. Stuart S., Minister of Justice—Review and Extract of provisions of Criminal Code relating to capital punishment .....	1
Statement on commutations and remissions, and statistical tables respecting capital cases .....	12
HAMILTON, B. C.—See “KIRKPATRICK, A. M.”	
HILLS, Dr. W. H., Don Gaol Physician, Toronto—account of personal and medical experiences with capital cases .....	11
HOPE, The Hon. J. A., Justice of the Court of Appeal, Supreme Court of Ontario—trial phases in capital cases .....	3
KIRKPATRICK, A. M., Executive Director, John Howard Society of Ontario—abolition .....	14
LAWRENCE, J. Morley—See “UNITED CHURCH OF CANADA”	
MACDONALD, The Rev. D. B.—See “CANADIAN WELFARE COUNCIL”	
MacDONELL, Duncan—See “CHIEF CONSTABLES ASSOCIATION OF CANADA”	
MacLEAN, Dr. Malcolm S., Former Gaol Surgeon of Welland County—account of personal and medical experiences with capital cases and opinion favouring retention .....	16
MALONEY, Arthur, Q.C., Chairman of Committee on Criminal Justice, Ontario Branch of Canadian Bar Association—abolition .....	4

MacLEOD, A. J., Director of Remission Service, Department of Justice—See "GARSON, The Hon. Stuart S."	
MacLEOD, Dr. William Alastair, Professor of Psychiatry—See "CANADIAN WELFARE COUNCIL"	
McCULLEY, Joseph, Warden of Hart House, Toronto—See "KIRKPATRICK, A. M."	
McGRATH, W. T.—See "CANADIAN WELFARE COUNCIL"	
MULLIGAN, Walter H.—See "CHIEF CONSTABLES ASSOCIATION OF CANADA"	
MUTCHMOR, The Rev. J. R.—See "UNITED CHURCH OF CANADA"	
NEVILLE, F. J.—See "KIRKPATRICK, A. M."	
NICHOLSON, L. H., Commissioner, R.C.M.P.—retention .....	15
POLICE CHIEFS—See "CHIEF CONSTABLES ASSOCIATION OF CANADA" and "NICHOLSON, L. H."	
RAE, The Rev. Hugh—See "UNITED CHURCH OF CANADA"	
ROBERT, J. A.—See "CHIEF CONSTABLES ASSOCIATION OF CANADA"	
SELLIN, Professor Thorsten, Chairman, Department of Sociology, University of Pennsylvania—abolition .....	17
SHEA, George A.—See "CHIEF CONSTABLES ASSOCIATION OF CANADA"	
SMITH, The Rev. A. Lloyd—See "UNITED CHURCH OF CANADA"	
UNITED CHURCH OF CANADA, Board of Evangelism and Social Service—undecided as to abolition or retention ....	13
<i>B. Corporal Punishment</i>	
ALLAN, R. M., Warden of Kingston Penitentiary—statement and description of corporal punishment in a federal penitentiary with exhibits .....	6
ATTORNEYS-GENERAL—Provincial replies (to Questionnaire published as an Appendix to Issue No. 2) .....	18
BASHER, Colonel G. Hedley, Deputy Minister of Reform Institutions, Province of Ontario—retention .....	6

## SOURCE AND EXPLANATION

CHIEF CONSTABLES ASSOCIATION OF CANADA—retention	8
CHRISTIE, Hugh, Warden of Oakalla Prison Farm, South Burnaby, B.C.—abolition .....	14
COMMISSIONER OF PENITENTIARIES—reply to Questionnaire .....	18
COMMON, W. B., Q.C., Director of Public Prosecutions, Ontario Attorney-General's Department—remarks on corporal punishment as forming part of the sentence imposed by the tribunal of trial—personally favours retention .....	3
DAVIS, F. W.—See "CHIEF CONSTABLES ASSOCIATION OF CANADA"	
DOMINION BUREAU OF STATISTICS—Statistical Tables .....	18
FERGUSON, The Rev. C. H.—See "UNITED CHURCH OF CANADA".	
GARDINER, Reginald—See "UNITED CHURCH OF CANADA."	

GARSON, The Hon. Stuart S., Minister of Justice—Review and Extract of provisions of <i>Criminal Code</i> relating to corporal punishment .....	1
HAMILTON, B.C.—See “KIRKPATRICK, A. M.”	
KIRKPATRICK, A. M., Executive Director, John Howard Society of Ontario—abolition .....	14
LAWRENCE, J. Morley—See “UNITED CHURCH OF CANADA”	
MacDONELL, Duncan—See “CHIEF CONSTABLES ASSOCIATION OF CANADA”	
MacLEAN, Dr. Malcolm S., Former Gaol Surgeon of Welland County—account of personal observations of corporal punishment cases .....	16
MacLEOD, A. J., Director of Remission Service, Department of Justice—See “GARSON, The Hon. Stuart S.”	
McCULLEY, Joseph, Warden of Hart House, Toronto—See “KIRKPATRICK, A. M.”	
MULLIGAN, Walter H.—See “CHIEF CONSTABLES ASSOCIATION OF CANADA”	
MUTCHMOR, The Rev. J. R.—See “UNITED CHURCH OF CANADA”	
NEVILLE, F. J.—See “KIRKPATRICK, A. M.”	
NICHOLSON, L. H., Commissioner, R.C.M.P.—retention.....	15
POLICE CHIEFS—See “CHIEF CONSTABLES ASSOCIATION OF CANADA”, and “NICHOLSON, L. H.”	
RAE, The Rev. Hugh,—See “UNITED CHURCH OF CANADA”	
ROBERT, J. A.—See “CHIEF CONSTABLES ASSOCIATION OF CANADA”	
SELLIN, Professor Thorsten, Chairman, Department of Sociology, University of Pennsylvania—abolition.....	17
SHEA, George A.—See “CHIEF CONSTABLES ASSOCIATION OF CANADA”	
SMITH, The Rev. A. Lloyd—See “UNITED CHURCH OF CANADA”	
UNITED CHURCH OF CANADA, Board of Evangelism and Social Service—abolition .....	13
C. Lotteries	
ATTORNEYS-GENERAL—Provincial replies (to Questionnaire published as an Appendix to Issue No. 2).....	18
CANADIAN COUNCIL OF CHURCHES, The Christian Social Council of Canada, Department of Social Relations—opposed	7
CHIEF CONSTABLES ASSOCIATION OF CANADA—views for and against .....	9
CHRISTIAN SOCIAL COUNCIL OF CANADA—See “CANADIAN COUNCIL OF CHURCHES”	
CHURCH OF ENGLAND IN CANADA—See “CANADIAN COUNCIL OF CHURCHES”	
COMMON, W. B., Q.C., Director of Public Prosecutions, Ontario Attorney-General’s Department—views on the difficulty of enforcement of the existing law.....	7
DAVIS, F. W.—“See “CHIEF CONSTABLES ASSOCIATION OF CANADA”	
FERGUSON, The Rev. C. H.—See “UNITED CHURCH OF CANADA”	
GARDINER, REGINALD—See “UNITED CHURCH OF CANADA”	

GARRET, Mrs. Roland—See “WOMAN’S MISSIONARY SOCIETY”	
GARSON, The Hon. Stuart S., Minister of Justice—Review and Extract of provisions of <i>Criminal Code</i> relating to lotteries	1
JUDD, The Rev. Canon W. W.—See “CANADIAN COUNCIL OF CHURCHES”	
LAWRENCE, J. Morley—See “UNITED CHURCH OF CANADA”	
LONG, Dr. Dorothy E.—See “WOMAN’S MISSIONARY SOCIETY”	
MACDONELL, Duncan—See “CHIEF CONSTABLES ASSOCIATION OF CANADA”	
MACLEOD, A. J., Director of Remission Service, Department of Justice—See “GARSON, The Hon. Stuart S.”	
MULLIGAN, Walter H.—See “CHIEF CONSTABLES ASSOCIATION OF CANADA”	
MUTCHMOR, The Rev. J. R.—See “UNITED CHURCH OF CANADA”	
NICHOLSON, L. H., Commissioner, R.C.M.P.—extension.....	15
POLICE CHIEFS—See “CHIEF CONSTABLES ASSOCIATION OF CANADA” and “NICHOLSON, L. H.”	
POULTON, The Rev. F. N.—See “CANADIAN COUNCIL OF CHURCHES”	
RAE, The Rev. Hugh—See “UNITED CHURCH OF CANADA”	
ROBERT, J. A.—See “CHIEF CONSTABLES ASSOCIATION OF CANADA”	
SHEA, George A.—See “CHIEF CONSTABLES ASSOCIATION OF CANADA”	
SMITH, The Rev. A. Lloyd—See “UNITED CHURCH OF CANADA”	
TRADES AND LABOR CONGRESS OF CANADA—government-sponsored lotteries and permission for responsible voluntary organizations to make greater use of raffles and draws .....	5
UNITED CHURCH OF CANADA, Board of Evangelism and Social Service—opposed (See also “CANADIAN COUNCIL OF CHURCHES”)	
WISMER, Leslie E.—See “TRADES AND LABOR CONGRESS OF CANADA”	13
WOMAN’S MISSIONARY SOCIETY, The United Church of Canada—opposed (See also “UNITED CHURCH OF CANADA”)	7

## SCHEDULE B

## REFERENCES ACQUIRED OR ORDERED BY THE JOINT PARLIAMENTARY COMMITTEE ON CAPITAL AND CORPORAL PUNISHMENT AND LOTTERIES

1. Bibliography of English and French References in Parliamentary Library (See Appendix A, *Minutes of Proceedings and Evidence*, No. 4).
2. "Court of Last Resort" by Erle Stanley Gardner.
3. Report No. 10, March 1954, U.S.A. National Prisoner Statistics on Executions 1930-53.
4. Report No. 725, 82nd Congress, U.S.A. Senate (Kefauver Report).
5. Report of U.K. Departmental Committee on Corporal Punishment, 1938.
6. Report of U.K. Royal Commission on Lotteries and Betting, 1932-3.
7. Report of U.K. Royal Commission on Betting, Lotteries and Gaming, 1949-51, including Minutes of Evidence with Index and Selected Statements.
8. Report of U.K. Royal Commission on Capital Punishment, 1949-53, including Minutes of Evidence and also Memoranda and Replies to a Questionnaire received from Foreign and Commonwealth Countries (I—Commonwealth Countries; II—United States of America; III—Europe).
9. Symposium of Open Forum on Capital Punishment held by the Ontario Branch of The Canadian Bar Association in February 1954 (*Offprint of The Canadian Bar Review Containing same not available at time of printing*).
10. THE PRISON WORLD, Jan.-Feb. 1952 Issue (No. 1, Vol. 14), containing "Draft of Standard Minimum Rules for Treatment of Prisoners", prepared by the International Penal and Penitentiary Commission at the request of the United Nations.

